Unlawful Enforcers

Charter Violations by Major Ontario City Police Services

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Executive Summary

Police play a crucial public safety role in our society and have a difficult job. They preserve the peace, prevent crime and enforce our laws using extensive powers, like the power to stop, question, detain, search and use force.

These great powers come with great responsibilities under the *Canadian Charter of Rights and Freedoms*, which protects us from arbitrary detentions, unreasonable searches, racial profiling and not being told of the right to a lawyer without delay upon arrest.

Major Ontario city police services are frequently violating the *Charter*. Between January 1, 2015 and May 31, 2025, Courts found that officers from the five largest city police services in Ontario – the Toronto Police Service, Peel Regional Police, York Regional Police, Durham Regional Police Service, and Ottawa Police Service - violated the *Charter* over 1000 times in over 600 reported cases. The problem has persisted even after the police were notified by the Toronto Star in 2022. The true extent of the problem is even larger. The over 600 cases do not include unreported court decisions or *Charter*-infringing officer conduct that does not result in charges.

Sections 8 and 10(b) are the most frequently violated *Charter* protections – respectively, the right to be free from unreasonable search, and the right, on arrest, to be told without delay of the right to a lawyer. Together, these provisions account for more than 65% of all *Charter* violations.

Police violations of the *Charter* negatively impact the physical and mental health of victims. They also undermine public trust in police and public safety. Guns, drugs, reliable evidence of child pornography and breathalyzer test results are being excluded from evidence in trials. Accused, who engaged in criminal activity, are walking free. Over 70% of the over 600 cases resulted in evidence being excluded, a stay of proceedings (i.e. the proceedings were permanently stopped), or a sentence reduction.

COURTS FOUND THAT OFFICERS FROM THE FIVE LARGEST CITY POLICE SERVICES IN ONTARIO

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1,000x

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Systemic issues contribute to the problem. Our qualitative analysis of court decisions involving the Toronto Police Service and Peel Regional Police identifies over 20 systemic issues described by judges.

Systemic issues in common include: racial profiling, not telling accused of their right to a lawyer without delay upon arrest; and not respecting the right to choose your own lawyer. Courts criticized the Toronto Police Service for delays in bringing accused persons before a court within 24 hours and not providing adequate translation services. At the Peel Regional Police, Courts flagged a lack of training on searches under the *Cannabis Control Act*.

Prosecutions involving the sexual exploitation of children, guns and drugs are collapsing because of potential systemic issues at the Toronto Police Service and the Peel Regional Police. These issues include police lying or providing false testimony, as well as unlawful investigations into alleged child pornography.

- We identified eleven cases where officers from the Toronto Police Service and Peel Regional Police lied or provided false testimony. Six of these cases involved multiple officers lying or providing false testimony. In ten of these cases, evidence was excluded or a stay was granted
- We identified fifteen cases where officers from the Toronto Police Service and Peel Regional Police conducted unlawful investigations into alleged child pornography. In eleven of these cases, the courts excluded reliable evidence of child pornography from trial because of officer violations of thee *Charter*.

Our qualitative analysis also identified thirteen cases of "hidden racial profiling" of Black people by the Peel Regional Police and Toronto Police Service. Hidden racial profiling is where the court decision notes the race of the accused, racial profiling was not an issue before the judge and an inference can be drawn that there was a racial profiling or racial discrimination.

Police violations of the *Charter* must be addressed in a tangible and practical way by police, the provincial and federal government and oversight agencies. To enhance public trust, legitimacy and safety, there must be: monitoring, accountability, transparency and independent oversight. Systemic issues at the Peel Regional Police and Toronto Police Service must also be addressed.

The Hamilton Police Service Board has demonstrated leadership in addressing police violations of the *Charter* - leadership that should be followed across Ontario. Its November 2025 policy directs the Chief of the Hamilton Police Service to:

- Work with the Hamilton Crown Attorney's Office to establish a process to identify *Charter* violations that are believed to involve a police officer
- Report on substantiated and unsubstantiated *Charter* violation allegations; how the allegations were brought to the attention of the Hamilton Police Service; a summary of disciplinary actions taken; a summary of each criminal case in which charges were dropped or evidence was excluded because an officer violated the *Charter*; and any resulting changes made to policies or procedures.

Unlawful Enforcers has received endorsements from the Canadian Civil Liberties Association, Black Legal Action Centre and Criminal Lawyers' Association – leading voices who defend *Charter* rights.

KEY RECOMMENDATIONS

1. Within six months, the Ontario Ministry of the Attorney General and Public Prosecution Service of Canada should develop processes to advise Ontario Chiefs of Police of court decisions with findings of violations of the *Charter* involving police officers
2. Within six months, the five largest city police services in Ontario should conduct investigations into officer misconduct based on the *Charter* infringing conduct described in the report. Moving forward, the investigations should be conducted by the Law Enforcement Complaints Agency
3. There should be annual public reporting by the five largest city police services in Ontario and their boards about court decisions with violations of the *Charter* and investigations into officer misconduct, while respecting confidentiality provisions in the *Community Safety and Policing Act, 2019* and privacy considerations
4. Within one year, the five largest city police services in Ontario should include court decisions with findings of violations of the *Charter* involving officers as part of an early warning system to alert supervisors and police leadership about potentially problematic officers, units and divisions
5. Within one year, the Toronto Police Service, Toronto Police Services Board, Peel Regional Police and Peel Police Service Board should publicly review policies, procedures and training related to the systemic issues and potential systemic issues identified in this report
6. Within two years, the Inspector General should conduct an inspection of the five largest city police services in Ontario and their boards which focuses on identification, monitoring, transparency and accountability regarding court decisions with findings of violations the *Charter* involving police officers. It should issue directions as necessary.

01

Introduction

Requiring the police to comply with the *Charter* in all neighbourhoods and to respect the rights of all people upholds the rule of law, promotes public confidence in the police, and provides safer communities. The police...better than anyone, understand that with extensive powers come great responsibilities.

R v Le, 2019 SCC 34 (CanLII), [2019] 2 SCR 692 at para 165

01

Introduction

Police play a crucial public safety role in our society.

They are given powers to stop, detain, question and search people. They carry batons, handcuffs and guns, and can use force, including deadly force, to carry out their duties. These great powers come with great responsibilities under the *Canadian Charter of Rights and Freedoms*[1], which sets out our most fundamental rights and freedoms when interacting with police. The *Charter* protects us from, among other things, excessive force, unreasonable searches, racial profiling and not being told of the right to a lawyer without delay upon arrest.

The degree to which our *Charter* rights are upheld respected by police reflects the health of our democracy. Police violations of the *Charter* undermine the rule of law by eroding public trust in police and the justice system. They also negatively impact the physical and mental health of victims of *Charter* breaches and public safety. They discourage cooperation with police, and we know that relationships between police and Black and Indigenous communities are particularly strained because of systemic racism in policing. Police violations of the *Charter*also result in evidence (like guns, drugs, breathalyzer test results, statements given to police and child pornography) being excluded from trials, and accused, who have engaged in criminal activity, walking free.

Unlawful Enforcers analyzes published court decisions issued between January 1, 2015 and May 31, 2025 with findings of violations of the *Charter* involving police officers from Ontario's five largest municipal police services: Toronto Police Service, Peel Regional Police, York Regional Police, Durham Regional Police Service, and Ottawa Police Service. It also makes public policy-oriented recommendations.

The overall goal of the *Unlawful Enforcers* is to encourage systemic change to address police violations of the *Charter* – systemic change that will advance public safety and enhance trust between police and the public. To this end, *Unlawful Enforcers* seeks to:

- Raise awareness among police officers, police leadership, oversight bodies and the public about police violations of the *Charter*, their consequences and solutions
- Encourage public policy change through implementation of the recommendations

1 Canadian Charter of Rights and Freedoms, Part I of the *Constitution Act, 1982*, being Schedule B to the Canada Act 1982 UK, 1982, c 11.

This report is divided into five chapters.

1. The first chapter introduces the context and sources of *Unlawful Enforcers*.
2. The second chapter reviews literature on causes of police violations of the *Charter* and the negative impact of the officer misconduct at issue in the egregious cases.
3. The third chapter sets out our statistical analysis of the data we gathered from reported court decisions made between January 1, 2015 and May 31, 2025, including the frequency of violations of the *Charter* by police service and across Ontario.
4. The fourth chapter sets out our qualitative analysis of cases involving the Peel Regional Police and Toronto Police Service, where we identify egregious cases, systemic issues identified by judges and potential systemic issues identified by the research team through a global analysis of cases. Egregious cases include where the courts made express findings that officers engaged in racial profiling, used excessive force, conducted unlawful strip searches or lied or provided false testimony. They also include hidden racial profiling. Hidden racial profiling is where the decision notes the race of the accused, racial profiling was not an issue before the judge but an inference can be drawn that there was a racial profiling or racial discrimination.

   We focused our qualitative analysis on cases involving the Toronto Police Service and Peel Regional Police because they have the highest number of violations of the *Charter* in our dataset and due to time constraints.
5. The fifth chapter sets out our province-wide and local recommendations that flow from our findings and encourage public policy change.

Finally, we included the following appendices:

1. Methodology
2. List of court decisions
3. List of recommendations
4. List of key *Charter* rights that apply to police interactions
5. Endorsement letters from the Canadian Civil Liberties Association, Black Legal Action Centre and Criminal Lawyers' Associations
6. A formal response to *Unlawful Enforcers* from the York Regional Police Service Board

A. BACKGROUND

i. The Hidden Racial Profiling Project and *Unchartered*

The Hidden Racial Profiling Project (HRPP) began in the fall of 2020 and is being led by Professor Sunil Gurmukh. With funding from the Law Foundation of Ontario, the HRPP recruited a small team of Western Law students as research assistants. The HRPP identified court decisions, reported between 2015 and 2019 with findings of police violations of the *Charter* that involve the ten largest city police services in Canada.[2] The HRPP found the court decisions using legal research databases, Lexis Quicklaw and Westlaw.

THE TORONTO STAR WHICH CONDUCTED A BROADER SURVEY

identified over

600

cases across Canada from 2011 to 2021

The HRPP was struck by the sheer volume of cases with *Charter* violations, including serious violations, involving many of the ten largest city police services. Recognizing the public interest in this information, the HRPP provided its preliminary case-law research to the Toronto Star, which conducted a broader survey. The Toronto Star identified over 600 serious cases from 2011 to 2021 that found Canadian police officers violated the *Charter* when dealing with the public. More than a quarter of those cases were identified with the assistance of the HRPP.[3] The Star's investigative series, *Unchartered*, revealed pervasive and systemic failures by many police services to respect constitutionally guaranteed rights. The Star series also led to the investigation into the conduct of officers.[4]

Unlawful Enforcers builds on *Unchartered. Unlawful Enforcers:*

- Identifies court decisions with both serious and non-serious violations of the *Charter*
  - A serious case is when the *Charter* remedy ordered by the court included an exclusion of evidence, a stay of proceedings (i.e. the proceedings were permanently stopped) or a sentence reduction. A non-serious case is when none of these *Charter* remedies were ordered.
- Includes a detailed statistical analysis of data gathered from the decisions
- For the Peel Regional Police and Toronto Police Service
  - Identifies systemic issues described by judges and potential systemic issues revealed through a global analysis of the cases
  - Identifies court decisions with hidden racial profiling
  - Highlights additional egregious cases

2 Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Police Administration Survey, *Table 35-10-0077, Municipal Police Services Serving a Population of 100,000 or More, Canada, 2019* (2020).

3 Rachel Mendleson and Steve Buist, "Unchartered Part III: "How Torstar Found 600 Cases of Police Violating fundamental rights when no one is tracking this national problem" *Toronto Star* (9 June 2022), online: <*www.thestar.com/news/investigations/how-torstar-found-600-cases-of-police-violating-fundamental-rights-when-no-one-is-tracking/article_326d857d-5b34-56b5-b1a9-d06c95109e24.html*>.

4 Rachel Mendleson and Steve Buist, "Torstar Gets Action: Toronto Police Reviewing Officers' Conduct in Nearly 100 Cases Following Torstar Investigation into *Charter* Violations", *Toronto Star* (13 June 2022), online: <*www.thestar.com/news/investigations/toronto-police-reviewing-officers-conduct-in-nearly-100-cases-following-torstar-investigation-into-charter-violations/article_c6db13be-0a09-5da9-9b16-35333b6dfccc.html*>.

ii. The research team

The identification of cases and qualitative analysis was led by Professor Gurmukh of Western University's Faculty of Law (Western Law). The statistical analysis of data gathered from the cases was led by Professor Scot Wortley of University of Toronto's Centre for Criminology and Sociolegal Studies.

The previous JD student research assistants from Western Law are: Aleks Acimovic, Blerta Gjoci, Julianne de Gara, Lera Nwineh, Rahul Sapra, Harjot Jagpal, Pearlie Kamwa and Patrick Carl. Our current JD student research assistants are Sarah DiPronio and Arman Lakhu.

The previous PhD student research assistant from University of Toronto's Centre for Criminology and Sociolegal Studies is Roxy Shlapak. The current PhD student research assistant is Guoliang (Bond) Zhang.

We sincerely thank our student research assistants for their hard work, attention to detail, analysis and dedication. We also thank Ena Chadha (Senior Human Rights Lawyer and Educator) for her thoughtful review of draft chapters.

iii. Funding

We received funding for JD student research assistance from Western University's Faculty of Law.

We received funding for the statistical analysis and PhD student research assistance from a 2022 Partnership Grant from the Social Sciences and Humanities Council of Canada (SSHRCC Grant # 895-2022-1011) entitled "The Intersecting Institutions of Justice and Injustice". Professor Wortley is a co-applicant.

We received funding for late-stage JD student research assistance, graphic design and dissemination of this report from a 2025 Connection Grant from SSHRCC (SSHRCC Grant # 611-2025-0385) entitled "Unlawful Enforcers". Professor Gurmukh is the applicant.

iv. Sources of information and underestimation

The information analyzed in this report comes from published court decisions made between January 1, 2015 and May 31, 2025 with findings of violations of the *Charter* involving police officers from Ontario's five largest municipal police services: Toronto Police Service, Peel Regional Police, York Regional Police, Durham Regional Police Service, and Ottawa Police Service.

We excluded:

- Civil cases
- Criminal cases where there was an allegation of a violation of the *Charter*, but no finding of a violation (i.e. unsuccessful *Charter* applications)
- Cases where the sole violation was a breach s. 11(b) of the *Charter*, which provides for the right to a trial within a reasonable time
- Cases where the violation was committed by an officer of a different police service

Finally, the cases were cross-referenced to determine if they had been appealed. Each case in our dataset represents a court decision with a finding of an officer violation of the *Charter* that has not been overturned on appeal.

As mentioned above, our research focused on published cases. This does not reflect the full breadth of court decisions with findings of police violations of the *Charter* nor the incidence of police violations of the *Charter* by the five largest municipal police services in Ontario.

Some cases are adjudicated, but are unpublished and thus, unreported.[5] Our dataset also does not include incidents that we will never see in published criminal case-law because no charges were laid – *Charter* infringing officer conduct, like arbitrary detentions, excessive force, unreasonable searches and racial profiling that did not result in charges, or resulted in charges that were later withdrawn by the Crown. Crown. As noted by the Supreme Court of Canada in R v Grant:

> It should also be kept in mind that for every *Charter* breach that comes before the courts, many others may go unidentified and unredressed because they did not turn up relevant evidence leading to a criminal charge.[6]

Our dataset also does not include incidents where an accused pled guilty despite potential *Charter* infringing officer conduct, or the accused was self-represented and pled guilty but did not consider the constitutionality of officer conduct.

Please see Appendices 1 and 2 for more information about our case search methodology and the list of court decisions.

v. The difficult job of policing

> Police have a difficult job. Every day, police officers have to make quick decisions in volatile situations where information is incomplete and the risk of harm to the public, the officer, or the subject can change. They frequently encounter situations and challenges that can lead to significant pressure and stress, often due to factors beyond their control.

While reports like this are crucial for highlighting systemic issues, they may be viewed as critical of all officers. This is not our intention. Indeed, our recommendations are centred around organizational changes to data collection and reporting, policies, procedures, training and early-warning systems. That being said, officer discipline may be warranted in certain circumstances.

Although the *Charter* plays a key role in the day-to-day work activities of officers, we also acknowledge that the Supreme Court of Canada's case-law on police powers is "massively complex and difficult for law professors, let alone the police, to follow and understand."[7]

5 Robyn Doolittle, "Legal system's 'data desert' keeps many court rulings out of public reach" The Globe and Mail (19 January 2026) A1, online: Factiva (Dow Jones) (accessed 28 January 2026).

6 *R v Grant*, 2009 SCC 32 at para 75, [2009] 2 SCR 353.

7 Kent Roach, "Canadian policing: why and how it must change" (Toronto: Delve Books, 2022) at 52-53.

This, combined with our findings, bolsters the need for organizational changes. Indeed, in a survey of 57 officers from a mid-size police service in Ontario, 77% stated that they would like to receive more information and training with respect to the *Charter*, 44% asked for "much more" with, and only 21% stated that the current level of information and training was sufficient[8].

vi. The negative impact of police violations of the *Charter*

Police violations of the *Charter* negatively impact the physical and mental health of victims. They also undermine public trust and safety.

Individual harm can be physical (e.g. bruises and broken bones from excessive force) or psychological (e.g. PTSD, anxiety, depression, helplessness and humiliation).[9] It can also include the adverse consequences associated with unnecessarily interacting with the criminal justice system, where, but for the *Charter* breaches, the accused would not have been arrested or incarcerated. These negative consequences can include diminished economic viability of individuals and families, loss of social and family connections, and barriers to accessing health care in jails.[10]

Police violations of the *Charter* undermine the rule of law and public safety by eroding trust in police and the justice system.[11] Individuals who view the justice system negatively are less inclined to report crimes, assist with police investigations, or testify in court.[12] Many members of Black and Indigenous communities distrust police due to systemic racism in policing. Additionally, when police breach the *Charter*, evidence such as guns, drugs or child pornography, as found by our research, may be excluded from trials, potentially leading to the release of individuals involved in criminal activities. Finally, a systemic problem or pattern of *Charter*-infringing conduct is an "aggravating factor that supports exclusion"[13] of evidence in subsequent cases.

The particular destructive impact of the types of officer misconduct at issue in the egregious cases is outlined in Chapter 2: Literature Review.

8 Troy Riddell & Dennis Baker, "The *Charter* Beat: The Impact of Rights Decisions on Canadian Policing" in Emmett Macfarlane, ed, *Policy Change, Courts and the Canadian Constitution* (Toronto: University of Toronto Press, 2018) 169 and 173-180.

9 *Vancouver (City) v Ward*, 2010 SCC 27 at paras 25-27, 49 and 50, [2010] 2 SCR; *Taylor v London (City) Police Services*, 2016 ONSC 5839, 370 CRR (2d) 265; *Joseph v Meier*, 2020 BCSC 778, 464 CRR (2d) 251; *Elmardy v Toronto Police Services Board*, 2017 ONSC 2074, 136 OR (3d) 471; Rachel Mendleson and Steve Buist, "Unchartered Part I: Rights Wronged" *Toronto Star* (9 June 2022), *online*; British Columbia's Office of the Human Rights Commissioner, *Equity is Safer: Human Rights Considerations for Policing Reform in British Columbia* (Vancouver: BCOHRC, 2021) at 25, online: < *https://bchumanrights.ca/resources/publications/publication/scorpa/*>; Nick Kaschuk, "The Hidden Harms of Arbitrary Detentions on the Psychology of the Detainee and the Reputation of the Administration of Justice" (2017) 65(1-2) Criminal Law Quarterly 164.

10 *R v Habib*, 2024 ONCA 830 at paras 42 and 43, 99 CR (7th) 110; Ontario Chief Coroner's Expert Panel on Deaths in Custody, *An obligation to prevent: Report from the Ontario Chief Coroner's Expert Panel on Deaths in Custody* (Toronto, Office of the Chief Coroner and Forensic Pathology Service, 2023) at Executive Summary, *online*.

11 *R v Grant*, 2009 SCC 32 at paras 69-78, [2009] 2 SCR 353; *R v Le*, 2019 SCC 34 at paras 139-157, 2 SCR 692

12 Chris Gibson *et al.*, The Impact of Traffic Stops on Calling the Police for Help" (2010) 21(2) Criminal Justice Policy Review 139; Lee Ann Slocum *et al.*, "Neighbourhood Structural Characteristics, Individual-Level Attitudes, and Youths' Crime Reporting Intentions" (2010) 48(4) Criminology 1063; Tom Tyler and Jeffrey Fagan, "Legitimacy and Cooperation: Why do People Help the Police Fight Crime in Their Communities" 6 Ohio State Journal of Criminal Law 231

13 *R v Thompson*, 2020 ONCA 264 at para 85, 62 CR (7th) 286.

vii. Systemic racism in policing

The existence of systemic racism in policing is a premise upon which this report is based. Simply put, systemic racism in Canadian policing is a social fact. It has been confirmed by courts, including the Supreme Court of Canada[14], and scholarship and reports[15]. It has also been acknowledged by police.[16] This includes acknowledgments by the Toronto Police Service, Peel Regional Police and Ontario Association of Chiefs of Police.[17]

viii. The *Charter* and Code of Conduct for Police Officers in Ontario

The Code of Conduct for Police Officers in Ontario appears in a regulation of the *Community Safety and Policing Act, 2019*.[18] It prohibits a police officer from, by act or omission, doing "anything that the officer, at the time, knows or reasonably ought to know would infringe or deny a person's rights or freedoms" under the *Charter*.[19] An officer cannot be disciplined for violating the *Charter* if the officer demonstrates that it was more likely than not that their conduct "was in the good faith performance of their duties."[20]

Courts consider whether an officer was acting in good faith when determining the seriousness of the *Charter* breach, and thus, whether evidence should be excluded. As the Supreme Court noted in *R v Grant*:

> "Good faith" on the part of the police will also reduce the need for the court to disassociate itself from the police conduct. However, ignorance of *Charter* standards must not be rewarded or encouraged and negligence or wilful blindness cannot be equated with good faith: *R. v. Genest*, 1989 CanLII 109 (SCC), [1989] 1 S.C.R. 59, at p. 87, *per* Dickson C.J.; *R. v. Kokesch*, 1990 CanLII 55 (SCC), [1990] 3 S.C.R. 3, at pp. 32-33, per Sopinka J.; *R. v. Buhay*, 2003 SCC 30, [2003] 1 S.C.R. 631, at para. 59. Wilful or flagrant disregard of the *Charter* by those very persons who are charged with upholding the right in question may require that the court dissociate itself from such conduct. It follows that deliberate police conduct in violation of established *Charter* standards tends to support exclusion of the evidence.[2]

ix. Disclaimers and content warning

The views, analysis, findings and conclusions are solely those of the authors (Professors Gurmukh and Wortley), and not of the JD or PhD student research assistants. The views, analysis, findings and conclusions do not represent the views, analysis, findings and conclusions of the Ontario Human Rights Commission or the Ontario Public Service. The work completed by Professor Gurmukh was done in his personal capacity as an Adjunct Research Professor at Western Law.

This report is for informational purposes only and should be not considered as legal advice.

While efforts were made to ensure accuracy, errors and omissions may exist. Please exercise due diligence before relying on the information in this report. Legal developments after publication, such as appeals, may affect the content.

The study of police violations of the *Charter* raises issues of an extremely serious, and often troubling, nature. As noted above, police violations of the *Charter* negatively impact the physical and mental health of victims, with negative consequences for their families and society at large. As such, this topic can be distressing to read about and we encourage readers to take necessary caution in reviewing this material.

14 For example, see *R v Le*, 2019 SCC 34 at para 97; *R v Morris*, 2021 ONCA 680; *R v Barton*, 2019 SCC 33; *R v Theriault*, 2021 ONCA 517 at para 212

15 For example, see the 16 reports referenced in *R v Byfield*, 2023 ONSC 4308 at para 75; See also United Nations Human Rights Office of the High Commissioner, News Release, "Canada: UN expert panel warns of systemic anti-Black racism in the criminal justice system" (21 October 2016); Akwasi Owusu-Bepah and Zilla Jones, *Canada's Black Justice Strategy Framework* (Canada, 2023), *online*.

16 Peel Regional Police Service et al., "Joint Statement from the Ontario Human Rights Commission, Peel Regional Police and Peel Regional Police Service Board regarding the Human Rights Project" (23 June 2023), online: *Peel Regional Police*. Toronto Police Services Board, "Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety" (August 2020) at 2, online (pdf): *TPSB*; Ontario Association of Chiefs of Police, statement, "Racism, in any Form, is Evil" (14 November 2020), online: *OACP*; Ontario Association of Chiefs of Police, Statement, "OHRC's Framework for the Province to Address Systemic Racism in Policing" (29 July 2021), online: *OACP*; Canadian Association of Chief of Police, Presentation to the Standing Committee on Public Safety and National Security, "Systemic Racism in Canada" (14 August 2020), *online*.

17 Peel Regional Police Service et al., "Joint Statement from the Ontario Human Rights Commission, Peel Regional Police and Peel Regional Police Service Board regarding the Human Rights Project" (23 June 2023), online: *Peel Regional Police*. Toronto Police Services Board, "Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety" (August 2020) at 2, online (pdf): *TPSB*; Ontario Association of Chiefs of Police, statement, "Racism, in any Form, is Evil" (14 November 2020), online: *OACP*; Ontario Association of Chiefs of Police, Statement, "OHRC's Framework for the Province to Address Systemic Racism in Policing" (29 July 2021), online: *OACP*.

18 *Community Safety and Policing Act, 2019*, SO 2019, c 1, Sch 1; O Reg 407/23, Code of Conduct for Police Officers.

19 O Reg 407/23, Code of Conduct for Police Officers, s 6(1).

20 *Ibid*, s 6(2).

21 *Grant*, *supra* at para 75.

02

Literature Review

This chapter contains a literature review of the negative impact of the officer misconduct at issue in the egregious cases and the causes of police violations of the *Charter*.

02

Literature Review

This chapter contains a literature review of the negative impact of the officer misconduct at issue in the egregious cases and the causes of police violations of the *Charter*.

We categorize the following forms of police misconduct as egregious because of their particular destructive impact, which also may overlap:

- Racial profiling
- Officers lying or providing false testimony
- Excessive force
- Unlawful strip searches

THE NEGATIVE IMPACT OF THE OFFICER MISCONDUCT AT ISSUE IN THE EGREGIOUS CASES.

Racial profiling

The negative psychological and social impact of racial profiling includes[1]:

- Humiliation, fear, anger, depression, frustration and helplessness
- Contribution to the over-representation of Black and Indigenous people in the criminal justice system
- Undermining effective policing by misdirecting resources and alienating affected communities
- Furthering mistrust in police within affected communities
- An increased risk of youth violence

It can also include the physical consequences of excessive force described below[2].

[1] Kanika Samuels Wortley & Scot Wortley, *Race, Crime, and Justice in Canada: Issues and Strategies* (Toronto: Emond Montgomery, 2025) at 144–148; Ontario Human Rights Commission, *Policy on eliminating racial profiling in law enforcement* (2019) at 13–15, online: *Ontario Human Rights Commission* www3.ohrc.on.ca/en/policy-eliminating-racial-profiling-law-enforcement; The Honourable Roy McMurtry and Alvin Curling, *The Review of the Roots of Youth Violence,* (Toronto: Queen's Printer for Ontario, 2008) vol 1 c 4 at 39–43, online: *Government of Ontario* www.children.gov.on.ca/htdocs/English/professionals/oyap/roots/index.aspx).

[2] See for example *R v Murray*, 2025 ONSC 4127.

A finding of racial profiling is serious. As noted by the Superior Court of Justice in *R v Holloway:*

> It is hard to imagine that evidence obtained at least in part based on racial profiling could ever survive and be admitted at trial. Racial profiling, universally condemned in our jurisprudence and in our society, calls for unflinching judicial distancing in order to preserve the integrity of the administration of justice and to affirm fundamental Canadian values.
>
> Racism permeates our society, not only the justice system. It is a societal evil. Racial profiling is a particularly insidious form of racism. It creates bitter divisiveness on racial grounds. Zero tolerance and unequivocal denunciation is the only possible position to confront it[3].

Officers lying or providing false testimony

As noted by Professors Wortley and Samuels Wortley:

> Over the past ten years, as the result of police lying under oath, extremely expensive prosecutions involving allegations of human trafficking, drug trafficking, possession of illegal weapons, illegal drug manufacturing, child pornography, and homicide have fallen apart. Not only are these failures a waste of taxpayers' money, but they also undermine public trust in the police and the perceived legitimacy of the entire justice system... Furthermore, preliminary data suggest that cases of false police testimony disproportionately affect Indigenous, Black and other racialized accused[4].

Excessive force

Excessive force, can "cause the unnecessary death or serious injury of civilians, undermine public trust in the police, and compromise the legitimacy of the entire criminal justice system."[5] This is in addition to other physical consequences, like bruises and broken bones, and psychological consequences, like PTSD, anxiety, depression, helplessness and humiliation.[6] More broadly, police use of force can "erode social cohesion and contribute to radicalization, riots and other social control issues"[7].

The negative impact of police use of force is not experienced evenly. Canadian research demonstrates that Indigenous and Black people are "grossly overrepresented in police use of force statistics"[8]. The data also supports the argument that police racial stereotyping exists and can help explain this overrepresentatin.[9]

The Ontario Human Rights Commission's Inquiry into Anti-Black Racism by the Toronto Police Service revealed that a significant proportion of Toronto Police Service use of force incidents involved people exhibiting mental health issues. There are also intersectional issues. Black people were significantly over-represented in Toronto Police Serviced use of force incidents that involved people experiencing or with a noted history of mental health issues.[10]

[3] *R v Holloway*, 2021 ONSC 6136 at paras 137 and 138.

[4] Kanika Samuels Wortley & Scot Wortley, *Race, Crime, and Justice in Canada: Issues and Strategies* (Toronto: Emond Montgomery, 2025) at 167-171.

[5] Akwasi Owusu-Bempah et al. *Police Use of Force in Canada: A Review of Data, Expert Opinion and the International Research Literature* (2021) at 3, online: Canadian Criminal Justice Association *www.ccja-acjp.ca/pub/en/wp-content/uploads/sites/8/2021/08/Full-Report-PUF.pdf.*

[6] *Elmardy v Toronto Police Services Board*, 2017 ONSC 2074, 136 OR (3d) 471; Rachel Mendleson and Steve Buist, "Unchartered Part I: Rights Wronged" *Toronto Star* (9 June 2022), online: <*www.thestar.com/interactives/police-officers-across-canada-are-violating-people-s-rights-with-alarming-frequency-disturbing-unreleased-video/article_1c3c578c-11e0-11ee-9fea-871fbc9bf7f6.html*>

[7] Akwasi Owusu-Bempah et al. *Police Use of Force in Canada: A Review of Data, Expert Opinion and the International Research Literature* (2021) at 3, online: Canadian Criminal Justice Association *www.ccja-acjp.ca/pub/en/wp-content/uploads/sites/8/2021/08/Full-Report-PUF.pdf.*

[8] *Ibid.*

[9] Kanika Samuels Wortley & Scot Wortley, *Race, Crime, and Justice in Canada: Issues and Strategies* (Toronto: Emond Montgomery, 2025) at 158-167.

[10] Ontario Human Rights Commission, *A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service* (Toronto: Ontario Human Rights Commission, 2018), Appendix E at 94, online: *Ontario Human Rights Commission www.ohrc.on.ca/en/public-interest-inquiry-racial-profiling-and-discrimination-toronto-police-service/collective-impact-interim-report-inquiry-racial-profiling-and-racial-discrimination-black.*

Ontario Human Rights Commission, *A Disparate Impact: Second interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service, Use of Force by the Toronto Police Service Report* (Toronto: Ontario Human Rights Commission, 2020), at 109-110, online: *Ontario Human Rights Commission www.ohrc.on.ca/en/disparate-impact-second-interim-report-inquiry-racial-profiling-and-racial-discrimination-black.*

Unlawful strip searches

The Supreme Court described the significant negative impact of strip searches in *R v Golden*:

> [T]hey represent a significant invasion of privacy and are often a humiliating, degrading and traumatic experience for individuals subject to them. Clearly, the negative effects of a strip search can be minimized by the way in which they are carried out, but even the most sensitively conducted strip search is highly intrusive. Furthermore, we believe it is important to note the submissions of the ACLC and the ALST that African Canadians and Aboriginal people are overrepresented in the criminal justice system and are therefore likely to represent a disproportionate number of those who are arrested by police and subjected to personal searches, including strip searches.
>
> [...]
>
> Women and minorities in particular may have a real fear of strip searches and may experience such a search as equivalent to a sexual assault (Lyons, supra, at p. 4). The psychological effects of strip searches may also be particularly traumatic for individuals who have previously been subject to abuse (Commission of Inquiry into Certain Events at the Prison for Women in Kingston, The Prison for Women in Kingston (1996), at pp. 86-89). Routine strip searches may also be distasteful and difficult for the police officers conducting them (Lyons, supra, at pp. 5-6).[11]

THE TORONTO POLICE SERVICE FOUND THAT, IN 2020 STRIP SEARCHES

Indigenous people were

1.3x

over-represented

and Black people were

1.1x

over-represented

In strip searches compared to their presence in all arrests

Like police use of force, there is now data which demonstrates that the negative impact of strip searches is not felt evenly. After benchmarking for the arrested population, Black people were overrepresented strip searches involving the Vancouver Police Department, the Surrey RCMP, the Prince George RCMP and the Duncan RCMP. Hispanic and Arab/West Asian people also remained overrepresented in strip searches involving the Prince George RCMP.[12] The Toronto Police Service found that, in 2020 strip searches, Indigenous people were 1.3 times over-represented in strip searches compared to their presence in all arrests. Black people were 1.1 times over-represented.[13]

THE CAUSES OF POLICE VIOLATIONS OF THE *CHARTER*

Absent a judge explicitly describing a systemic issue, it can be difficult to differentiate between a collection of egregious cases and a systemic issue. Both must be understood within the context of social science literature on the causes of police violations of the *Charter* and how reported decisions with findings of violations of the *Charter* are an underestimate of *Charter*-infringing conduct on the part of police.[14]

Social science literature suggests that organizational cultures and priorities and lack of accountability may explain some of the egregious cases or systemic issues noted in our study.

Research from the United States shows that police compliance with constitutional rules, particularly in the area of search and seizure, is shaped by organizational culture and priorities. When police services focused on removing drugs from communities, officers were less likely to follow legal limits. Sometimes violations happened because officers

[11] *R v Golden*, 2001 SCC 83 at paras 83 and 90, [2001] 3 SCR 679.

[12] British Columbia's Office of the Human Rights Commissioner, *Equity is safer: Human rights considerations for policing reform in British Columbia* (Vancouver: BCOHRC, 2021) at 21 and 22.

[13] Toronto Police Service, *Race & Identity Based Data Collection Strategy: Understanding Use of Force & Strip Searches in 2020 – Detailed Report* (June 2022) at 76, online: *www.tps.ca/media/filer_public/93/04/93040d36-3c23-494c-b88b-d60e3655e88b/98ccfdad-fe36-4ea5-a54c-d610a1c5a5a1.pdf*.

[14] See Chapter 1 (Introduction), Sources of information and underestimation.

lacked proper training. In other cases, officers deliberately used deceptive practices to get search warrants or convictions. Interviews with police revealed that pressure to show results—whether from their organization, peers, or personal motivation—often drove this behaviour. The lack of consequences for breaking the rules also encouraged it.[15]

In contrast to the United States, little research in Canada has examined the causes of police violations of the *Charter*. Professors Riddell and Baker built on this limited scholarship and conducted a survey of 57 officers from a mid-size police service in Ontario. To help understand the factors influencing the implementation of *Charter* rights and the extent to which court decisions on *Charter* rights are followed (on purpose or not), officers were asked to rate the importance of potential explanatory factors on a scale of 1 (not very important) to 5 (very important). The factors flowed from existing research. Their findings are reproduced below.[16]

Troy Riddell & Dennis Baker, "The *Charter* Beat: The Impact of Rights Decisions on Canadian Policing" in Emmett Macfarlane, ed, Policy Change, Courts and the Canadian Constitution

(Toronto: University of Toronto Press, 2018)

Table 8.1 Factors Explaining the Implementation of *Charter* Rights

Factor	Mean (out of 5)
Knowledge and training about *Charter* decisions	4.45
The extent to which judicial *Charter* decisions provide clear guidelines for police behaviour	4.25
The degree to which police organizations and leadership stress following *Charter* rights	4.20
The importance and severity of the crime being investigated	3.63
Personal attitudes of individual police officers	3.27

All factors were at least somewhat important. However, "the institutional-level factors involving communication, leadership, and clarity of judicial decisions were considered to be more important than the micro-level factors of individual attitudes and type of case being investigated"[17]. Interviews were also conducted. Professors Riddell and Baker concluded that the case study demonstrated that:

> Deliberate evasion of clear *Charter* rules is likely to be relative infrequent, perhaps owing to the threat of possible legal sanctions, internal commitments to following law and procedure, and a desire not [to] have evidence excluded, but that good faith mistakes might happen somewhat more often because of a lack of knowledge and training.[18]

[15] Troy Riddell & Dennis Baker, "The *Charter* Beat: The Impact of Rights Decisions on Canadian Policing" in Emmett Macfarlane, ed, *Policy Change, Courts and the Canadian Constitution* (Toronto: University of Toronto Press, 2018) 169 at 171–172.

[16] *Ibid* at 180–181.

[17] *Ibid* at 181–184.

[18] *Ibid* at 184.

However, as noted in our qualitative analysis in Chapter 4, we found several examples in the case-law of officers from the Toronto Police Service and Peel Regional Police who lied or provided false testimony, or where the breaches of the *Charter* involved an absence of good faith. Noble cause corruption may help partially explain both "deceptive" conduct and "non-deceptive" conduct that led to police breaches of the *Charter* in this study. It may be indicative of police culture, and thus suggest that a collection of egregious cases reflects a systemic issue.

Noble cause corruption generally refers to "...and ends-based police and prosecutorial culture that masks misconduct as legitimate on the basis that the guilty must be brought successfully to justice."[19] Put differently,

> "noble-cause corruption may occur when actors such as the police and Crown become blinded as to the inappropriateness of their conduct and instead perceive their actions as legitimate in pursuit of the public interest."[20] Focusing on the police specifically, it is the "willingness of the police to violate the rules of procedural justice or provide false testimony to promote public safety."[21]

Noble-cause corruption can involve a variety of deceptive and non-deceptive officer behaviour, many of which are detailed in this report. Deceptive behaviour "may include lying about or otherwise fabricating evidence, while non-deceptive conduct may include the use of excessive force, illegal surveillance tactics, racial profiling, and a whole host of other forms of misconduct."[22]

[19] Devon Medeiros & Michelle Bertrand, "A Rush to Justice: The Institution of Presumptive Ceilings in *R v Jordan* and Their Potential Implications for Wrongful Convictions" (2024) 46(4) Manitoba Law Journal 80 at 102, quoting from Bruce MacFarlane, "Wrongful Convictions: The Effect of Tunnel Vision and Predisposing Circumstances in the Criminal Justice System" (2008) at 7-16.

[20] Devon Medeiros & Michelle Bertrand, "A Rush to Justice: The Institution of Presumptive Ceilings in *R v Jordan* and Their Potential Implications for Wrongful Convictions" (2024) 46(4) Manitoba Law Journal 80 at 102.

[21] Kanika Samuels Wortley & Scot Wortley, *Race, Crime, and Justice in Canada: Issues and Strategies* (Toronto: Emond Montgomery, 2025) at 167-171.

[22] Devon Medeiros & Michelle Bertrand, "A Rush to Justice: The Institution of Presumptive Ceilings in *R v Jordan* and Their Potential Implications for Wrongful Convictions" (2024) 46(4) Manitoba Law Journal 80 at 102-103.

03

Statistical Analysis

This chapter presents a descriptive analysis of court decisions in which police conduct was found to have violated the *Canadian Charter of Rights and Freedoms* between January 1, 2015 and May 31, 2025.

03

Statistical Analysis

INTRODUCTION

This chapter presents a descriptive analysis of court decisions in which police conduct was found to have violated the *Canadian Charter of Rights and Freedoms* between January 1, 2015 and May 31, 2025. The analysis is based on judicial decisions collected by the research team and uses the court decision as the primary unit of analysis.

The purpose of the report is to document patterns in the frequency and distribution of *Charter*-breach judicial findings across police services and over time, using court decisions collected by the research team as the primary unit of analysis. Rather than assessing individual officer behavior or institutional intent, the analysis focuses on how *Charter* violations appear in judicial outcomes and how these outcomes vary longitudinally and across police services.

The analysis employs straightforward descriptive statistics to summarize the number of court decisions involving *Charter* violations, the number of distinct *Charter* breaches identified within those decisions, and the prevalence of serious violations. A key analytical distinction is made between the number of cases and the number of *Charter* violations, recognizing that a single court ruling may reference multiple breached *Charter* sections. By organizing results at the annual and police service levels, the report provides an empirical overview intended to support legal, policy, and scholarly discussions about the scope and distribution of *Charter*-related judicial findings involving police conduct.

1. *CHARTER* BREACH COURT DECISION DISTRIBUTION

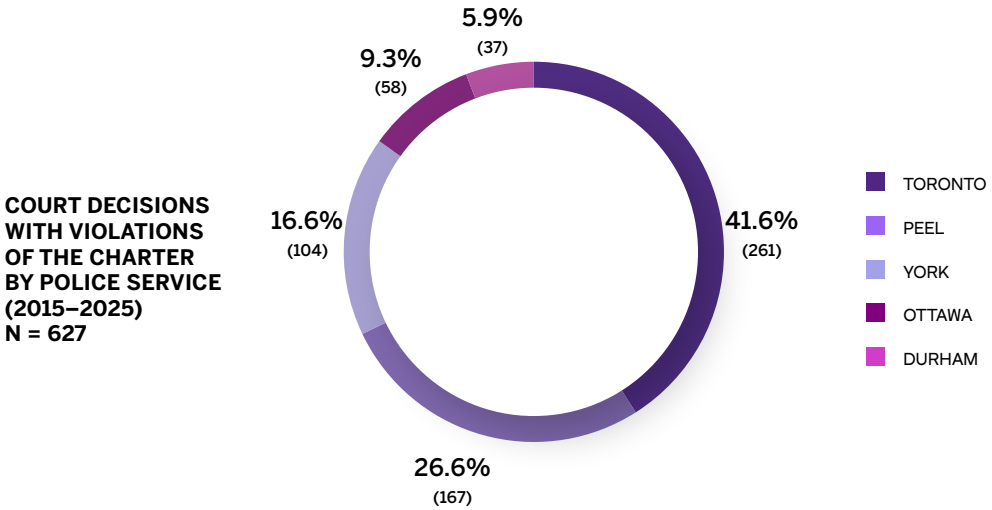


Figure 1.1 Share of *Charter* Violation Decisions by Police Service (2015–2025)

- In total, 627 cases are identified. Toronto accounts for the largest share of observed decisions (261; 41.6%), followed by Peel (167; 26.6%) and York (104; 16.6%)[1]. Ottawa (58; 9.3%) and Durham (37; 5.9%) together comprise less than one-sixth of all recorded decisions.
    - Because this distribution is not standardized for population size or court activity, this frequency distribution likely reflects differences in the population size of the cities and regions involved.
    - Ideally, we would have benchmarked *Charter* breaches against the volume of criminal trials or court cases heard within each jurisdiction over the study period. However, we could not locate an accurate estimate of these figures for all jurisdictions under study. We used general population estimates to calculate breach rates, per million, for each of the police services.

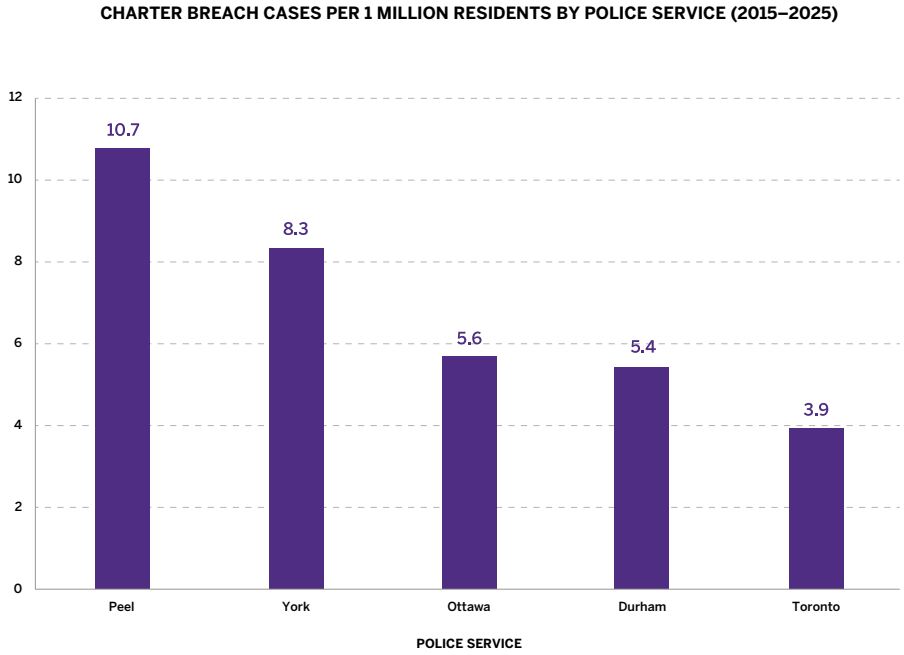


Table 1.1 *Charter* Breach Cases per 1 million Residents by Police Service

1 During our final review, we identified one case in the dataset that should not have been classified as involving the York Regional Police (*R v Simpson*, 2022 ONCJ 262). The case involves the OPP. The case was not recoded and the statistical analysis was not rerun. It does not materially affect the statistical results or alter the report's substantive findings and conclusions. The correction was made to Appendix 2.

- Taking population size into account, Peel Region now exhibits the highest *Charter* breach rate (10.7 cases per 1 million residents), followed by York (8.3 per 1 million).
- Durham and Ottawa fall in an intermediate range, each recording 5.6 and 5.4 cases per one million residents (the minor difference in bar height reflects rounding), while Toronto exhibits the lowest rate at 3.9 cases per one million.
    - Thus, although Toronto contributes the largest absolute number of *Charter*-breach decisions, its per-capita exposure is markedly lower than that of Peel and York.

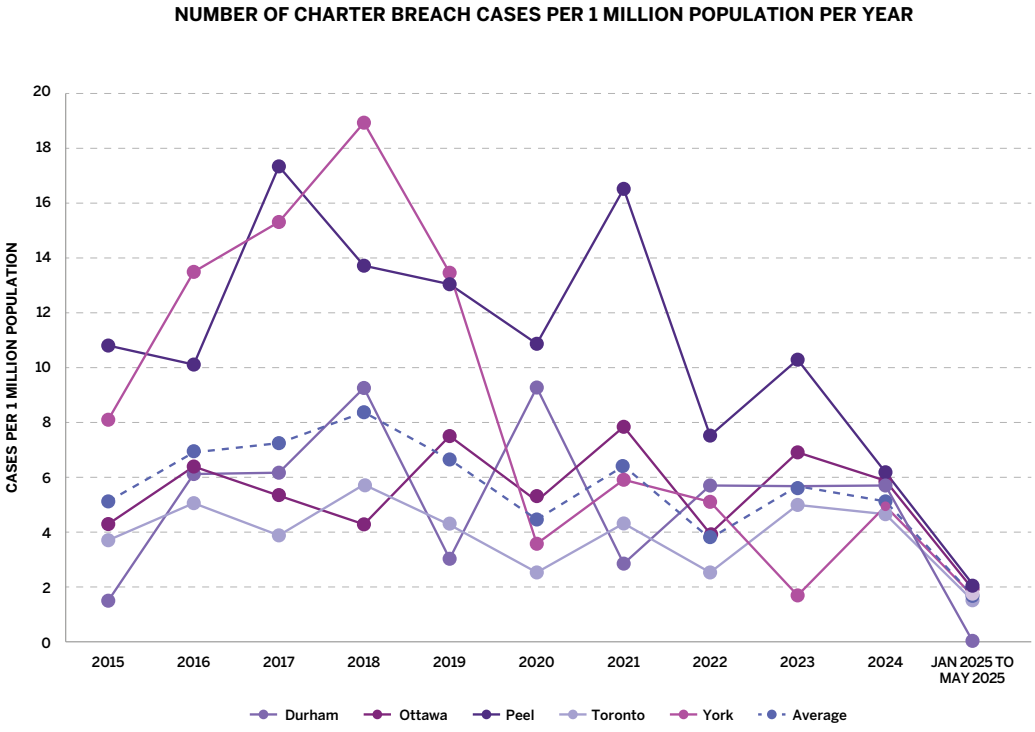


Figure 1.2 *Charter* Breach Cases per 1 million Population (2015–2025)

- Toronto consistently records the lowest population-adjusted *Charter*-breach rates across this time period. By contrast, Peel and York emerge as persistent outliers, exhibiting substantially higher per-capita *Charter*-breach rates across most years. York's *Charter* breach rate peaked in 2017-18 before dropping significantly. Peel's rate across this period also shows recurrent volatility.
- Year-to-year fluctuations are substantial, especially in Peel, York, and Durham, suggesting that population-adjusted *Charter*-breach rates may be shaped by episodic or contextual dynamics (e.g., shifts in the administration of criminal justice by police, prosecutors, criminal defence lawyers and judges) rather than stable, linear trajectories.
- The five-police service average follows an inverted-U pattern, rising through the late 2010s, dipping around 2020, rebounding modestly in 2021, and tapering thereafter; the sharp decline in 2025 reflects partial-year coverage (January–May) rather than a substantive drop in incidence.

2. TOTAL *CHARTER* VIOLATIONS AND AVERAGE *CHARTER* VIOLATIONS PER CASE BY POLICE SERVICES

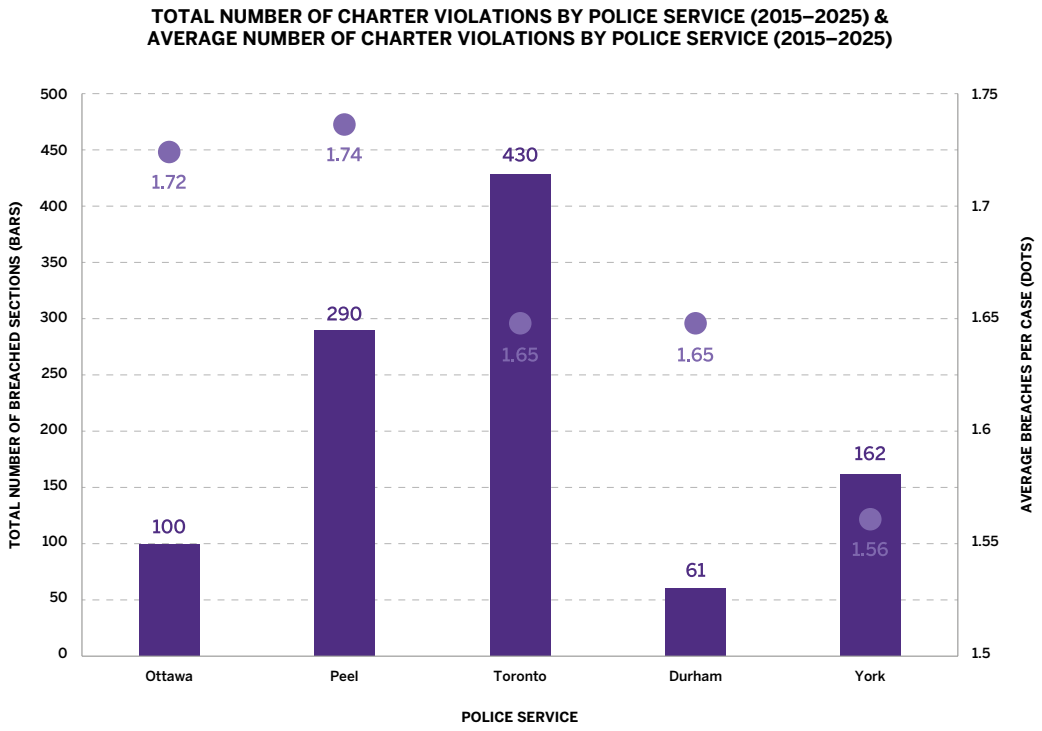


Table 2.1 Total and Average Number of *Charter* Violations by Police Service (2015–2025)

Table 2.1 presents two complementary indicators of *Charter* violations by police service between 2015 and 2025: the total number of breached *Charter* sections (bars, left axis) and the average number of breaches per case (dots, right axis). Across the five police services. 1043 *Charter* section violations were recorded, reflecting multiple breaches within individual cases.

- Toronto accounts for the highest number of breached *Charter* sections, followed by Peel and York, with Ottawa and Durham contributing far fewer breaches—patterns that largely reflect differences in population size, service scope, and overall volume of court-involved police activity.
- The average number of breached sections per case is tightly clustered across services (approximately 1.56–1.74), with Peel and Ottawa slightly higher and Toronto, York, and Durham marginally lower.
    - The consistency in per-case averages indicates that higher total breach counts stem primarily from a greater number of cases rather than from systematically more complex cases involving multiple *Charter* violations.

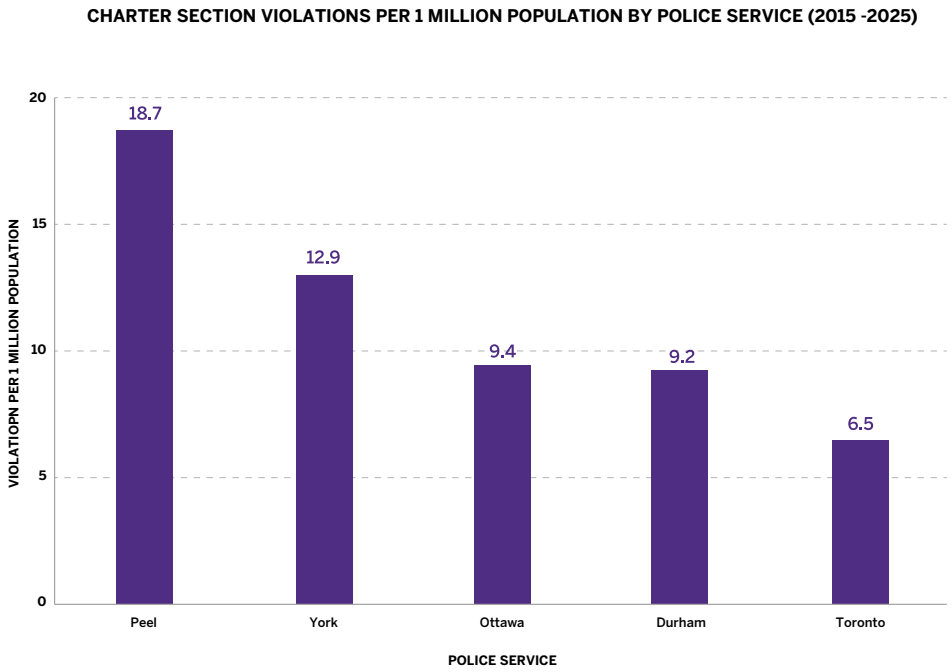


Table 2.2 *Charter* Section Violations per 1 million Population by Police Service (2015–2025)

- Peel exhibits the highest population-standardized rate (18.7 violations per 1 million residents), followed by York (12.9), Ottawa (9.4), and Durham (9.2).
- Toronto records by far the lowest rate (6.5 per 1 million residents). This inversion of rankings highlights that police services with smaller populations can exhibit substantially higher per-capita rates even when their absolute number of violations is low.
- The contrast between Table 2.1 and 2.2 indicates that Toronto's dominance in total *Charter* violations is largely a function of scale, whereas Durham and Ottawa exhibit disproportionately higher population-adjusted breaches.

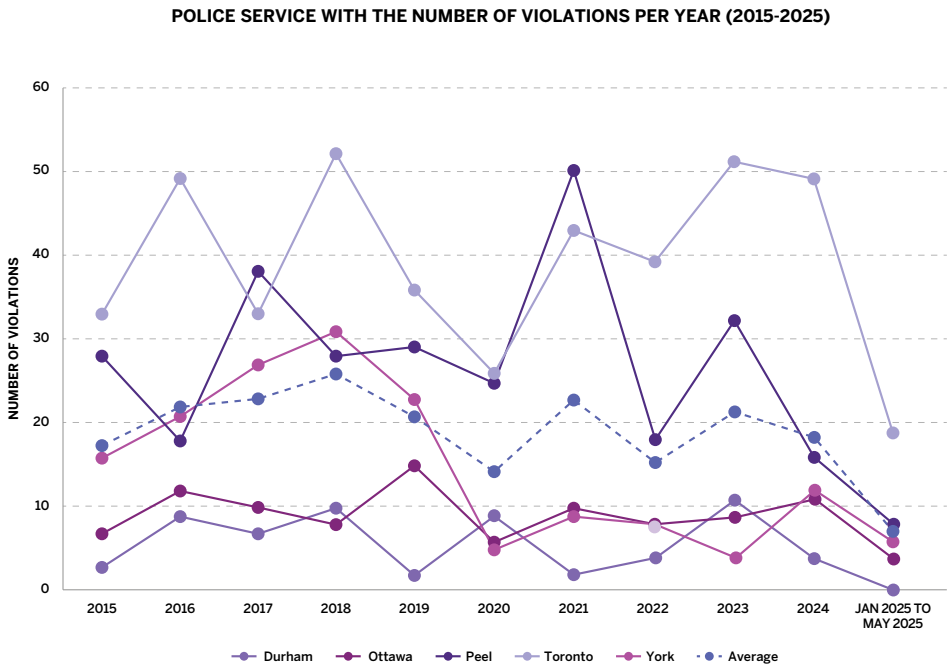


Figure 2.1 Number of *Charter* Breach Cases per Year by Police Service (2015–2025)

- Toronto consistently records the highest annual number of *Charter*-breach cases, with peaks in 2018 and 2023–2024, while Peel and York show moderate but fluctuating counts and Ottawa and Durham remain at low, often single-digit levels.
- All five services exhibit pronounced year-to-year fluctuations, with increases around 2017–2018, declines thereafter, a renewed rise around 2021, and subsequent downward movement—patterns that are also reflected in the five-service average, suggesting broader system-level dynamics.
- The sharp drop in cases observed in 2025 reflects incomplete data coverage (January–May only) rather than a definitive decline in *Charter*-breach incidence.

3. SERIOUS *CHARTER* BREACH CASES (2015–2025)

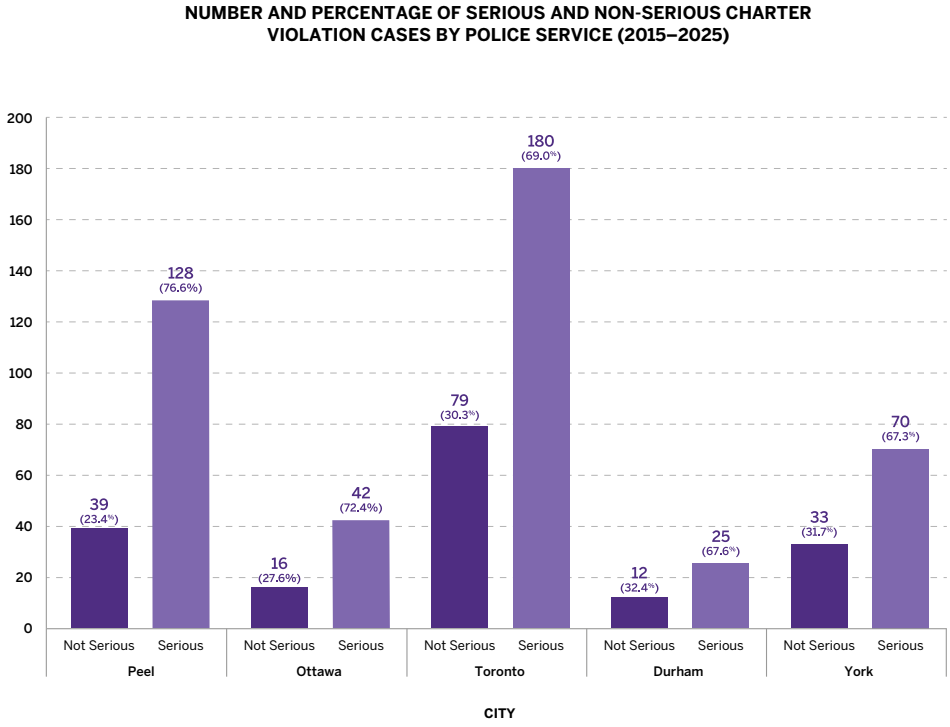


Table 3.1 Baseline Distribution: Serious vs. Non-Serious Cases by Police Service

- In our analysis we distinguish between serious and non-serious *Charter* violations. Serious breaches are when the *Charter* remedy ordered by the court included an exclusion of evidence, a stay of proceedings (i.e. the proceedings were permanently stopped) or a sentence reduction. A non-serious case is when none of these *Charter* remedies were ordered.
- In every police service, serious *Charter* breach cases constitute a clear majority, ranging from roughly two-thirds to over three-quarters of all cases. Across the five police services, serious cases constitute 70.7% of the total. Three cases (two in Toronto and one in York) have indeterminate seriousness.
    - Peel exhibits the highest proportion of serious cases (76.6%, n = 128), followed by Ottawa (72.4%, n = 42), Toronto (69.0%, n = 180), Durham (67.6%, n = 25), and York (67.3%, 70).
    - Toronto records the largest absolute number of serious cases, reflecting its dominance in total *Charter*-breach volume rather than an unusually high proportion of seriousness.
- Even in smaller jurisdictions, serious cases consistently account for most *Charter*-breach decisions, establishing that serious violations represent the dominant form of *Charter* breaches across all five police services.

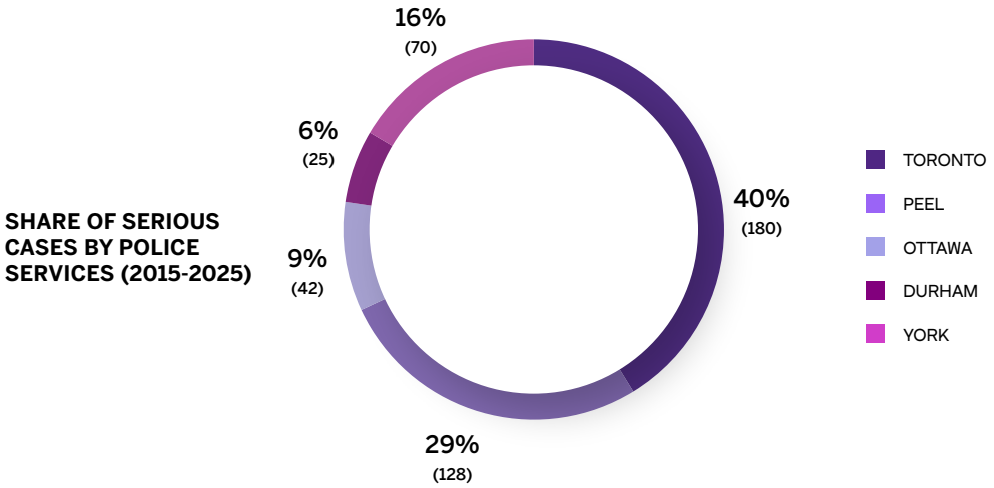


Figure 3.1 Aggregate Contribution: Police Service Shares of All Serious Cases

- Toronto accounts for roughly 40% of all serious *Charter*-breach cases, followed by Peel (29%) and York (16%), while Ottawa and Durham together contribute only about 15% of the total.
- The cross-police service distribution of serious cases closely parallels patterns observed for total *Charter*-breach cases, reflecting differences in population size, policing scale, and court volumes rather than distinctive seriousness profiles.

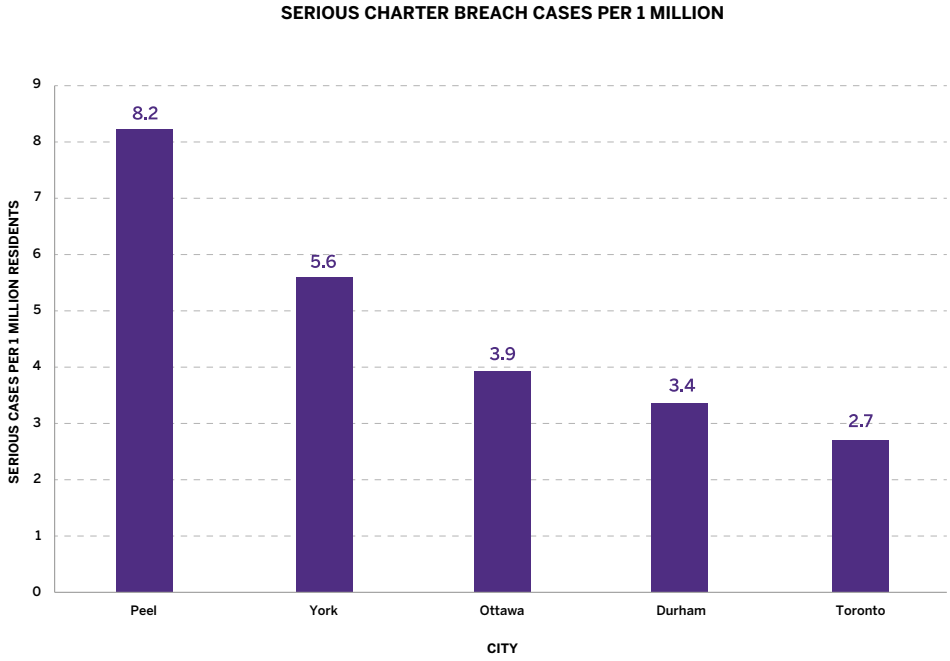


Table 3.2 Population-Adjusted Severity: Serious Cases per 1 million Residents

- When serious *Charter*-breach cases are scaled per 1 million residents, Peel emerges with the highest rate, followed by York, Ottawa, and Durham, while Toronto—despite the largest absolute count—records the lowest population-adjusted rate.
    - The adjusted results show that smaller jurisdictions experience higher per-capita exposure to serious *Charter* violations even with fewer total cases.

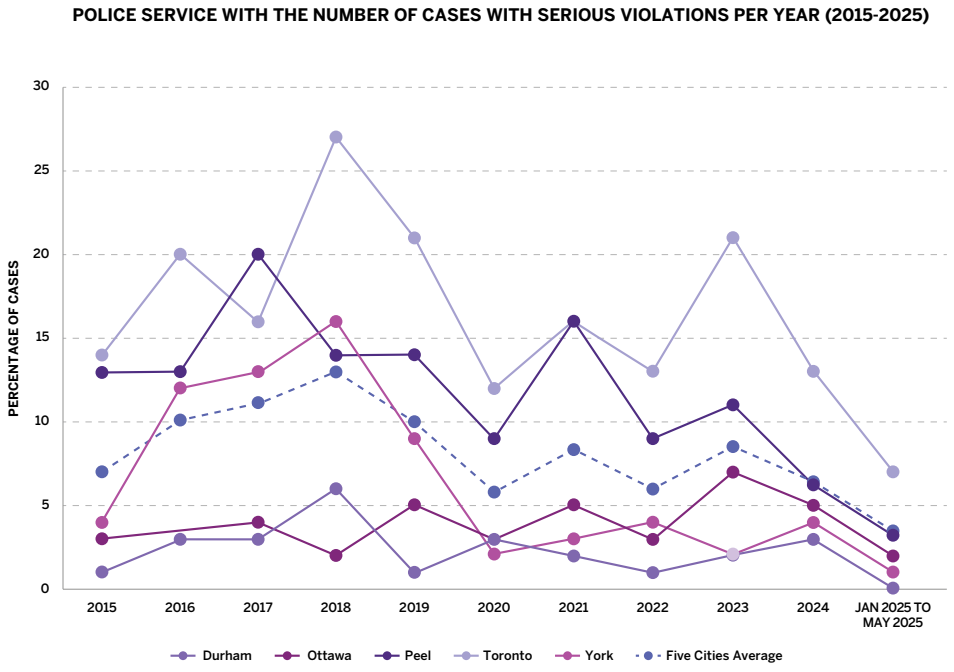


Figure 3.2 Annual Counts of Serious Cases

- Toronto consistently records the highest number of serious *Charter*-breach cases per year, except in 2017 when Peel recorded slightly more. The trend also shows clear peaks in 2018 and 2023. Peel and York generally occupy an intermediate position, while Ottawa and Durham record comparatively lower–but still non-negligible–number of cases.
- The temporal peaks observed in this figure generally coincide with annual spikes in total case counts for each police service, as shown in Figure 2.1.
- The pronounced decline across all services in 2025 reflects incomplete data coverage rather than a substantive reduction in serious *Charter*-breach cases.

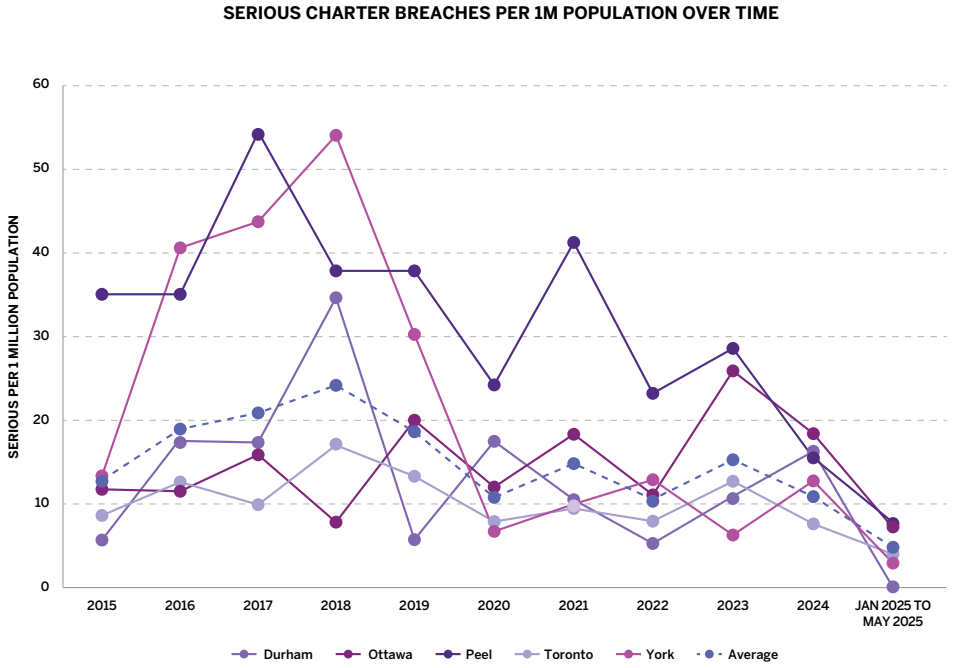


Figure 3.3 Serious *Charter* Breaches per 1 million Population Over Time

- Peel and York consistently register the highest population-adjusted rates of serious *Charter* violations, with pronounced spikes in 2017–2018 and renewed increases around 2021, indicating episodic surges in severity rather than a steady linear trend.
- Toronto's population-adjusted rate of serious violations remains comparatively low and stable throughout the period, with Ottawa and Durham occupying an intermediate position characterized by moderate fluctuations but no sustained upward trajectory.
- The five-police service average follows a cyclical trajectory—rising in the late 2010s, dipping around 2020, rebounding in 2021–2023, and falling sharply in 2025—where the final decline reflects incomplete (January–May) coverage rather than a substantive drop in serious violations.

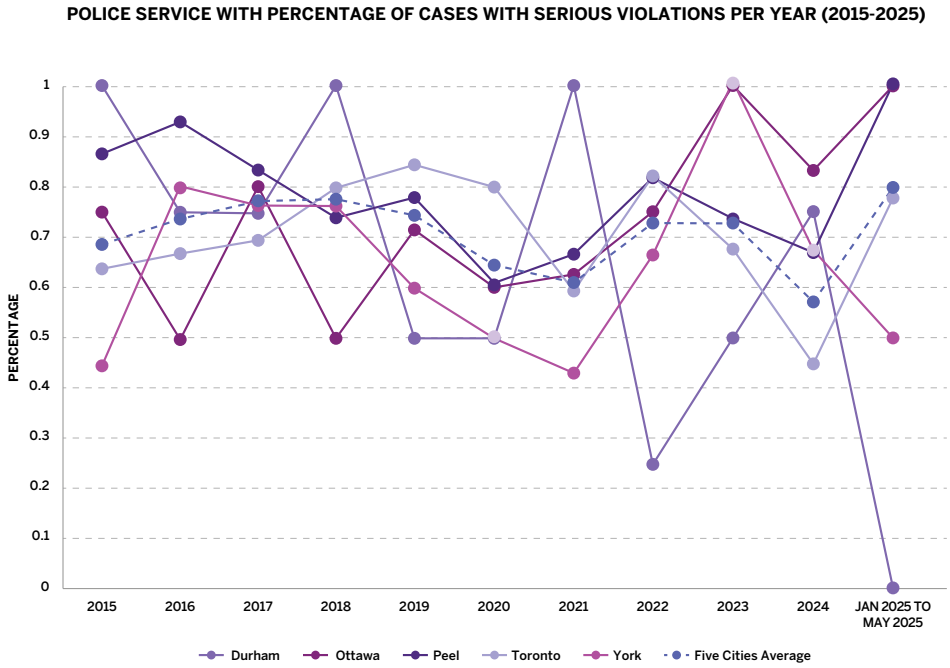
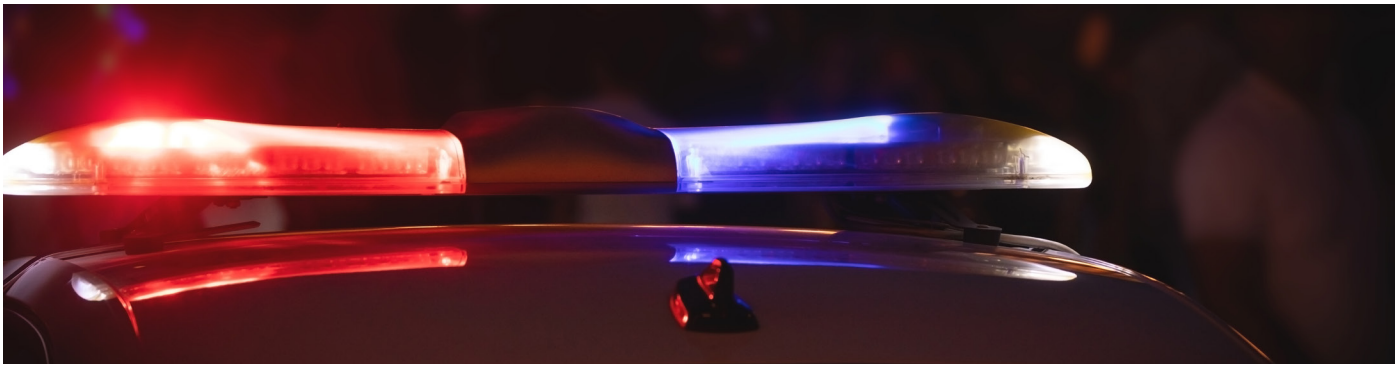


Figure 3.4 Proportional Severity Over Time: Percentage of Cases That Are Serious

- The proportion of *Charter*-breach cases classified as serious generally ranges between 60% and 80% across cities, with Peel and Toronto maintaining consistently high levels and York showing greater year-to-year variability.
- Durham exhibits pronounced fluctuations in the proportion of serious cases in some years, reflecting volatility driven by small case counts rather than substantive shifts in severity.
- Even in years with declining total cases, the share of serious cases often remains high, reinforcing that seriousness is a structural feature of *Charter*-breach cases rather than a marginal or episodic outcome.



4. ANALYSIS OF VIOLATED *CHARTER* SECTIONS (2015–2025)

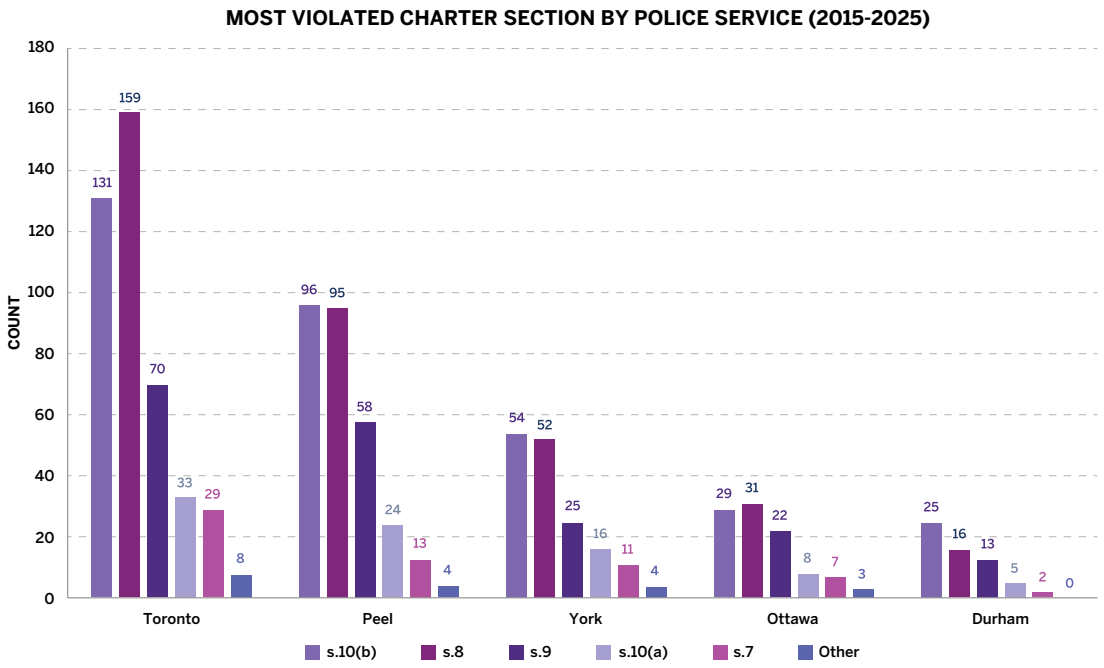


Table 4.1 Most Violated *Charter* Sections by Police Service

- Across all five police services, *Charter* breaches cluster heavily around section 8 (unreasonable search or seizure) and section 10(b) (right to counsel), which are the two most frequently violated provisions in every jurisdiction (approximately 66%.)
    - Across all five cities, *Charter* breaches cluster heavily around section 8 and section 10(b), which are the two most frequently violated provisions in every jurisdiction.
- Sections 10(a) and 7 appear far less frequently, and the "Other" category remains minimal, indicating a highly concentrated violation structure rather than an even distribution across *Charter* rights.

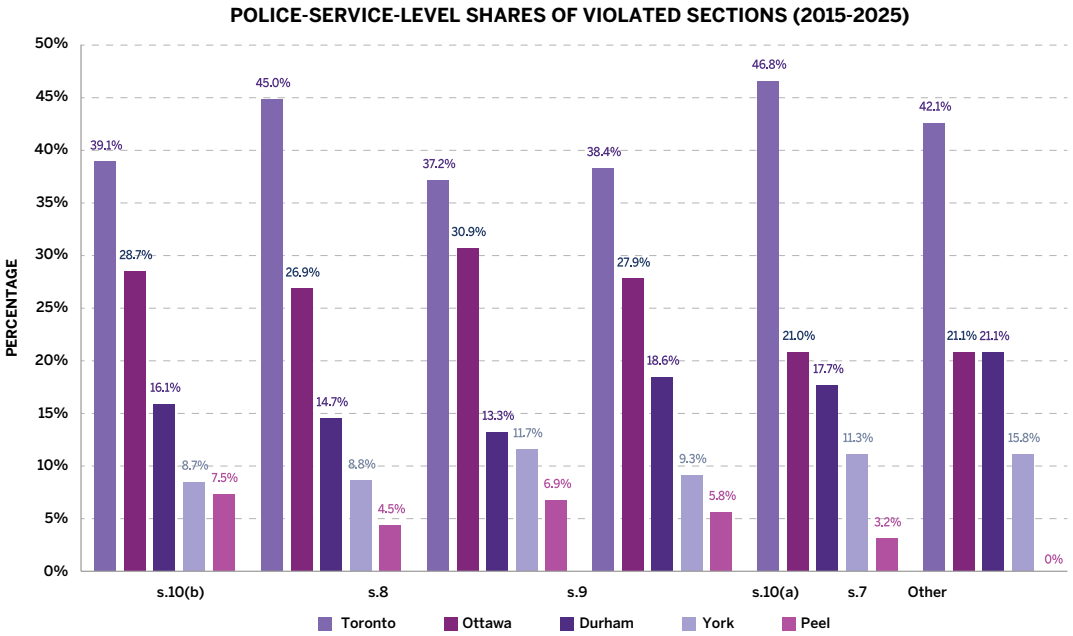


Table 4.2 Police-Sevice-Level Shares of Violated Sections

- When violations are redistributed across police services by *Charter* section, Toronto consistently accounts for the largest share for every major provision, with the remaining police services following a stable rank ordering across sections.
- The consistency of this ordering indicates that police services do not exhibit distinct "section profiles"[2]; those contributing more violations overall tend to contribute more for each section, rather than disproportionately violating particular *Charter* rights.
- Read alongside absolute frequencies, the results show that Toronto's dominance reflects population size and institutional scale, reinforcing that cross-police service differences in section-specific violations are driven by volume rather than divergent enforcement practices.

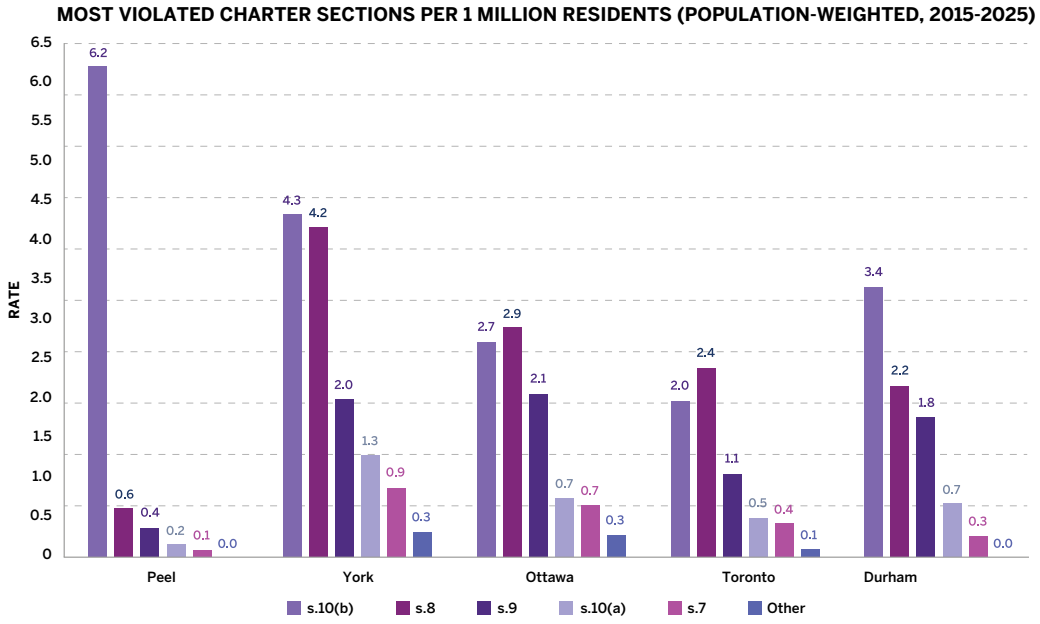


Table 4.3 Most Violated Sections per 1 million Residents

2 Big police services do not break different rules. They just have more cases.

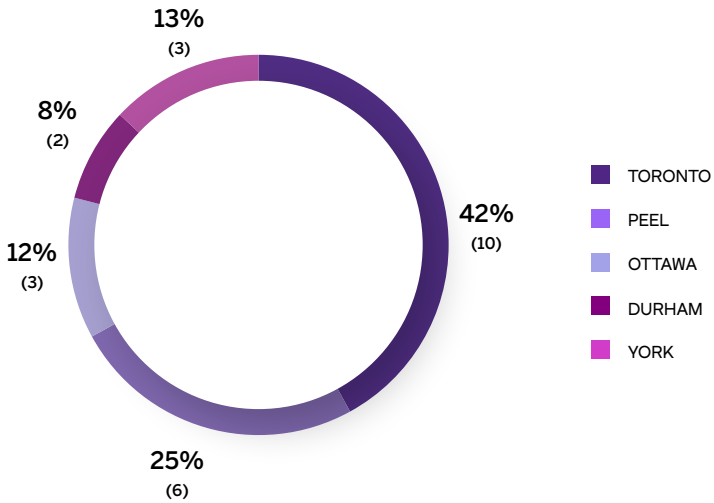
- s.10(b) is the most frequently violated *Charter* provision overall, with particularly high rates in Peel (6.2 per million) and York (4.3), and still notable levels in Durham (3.4), Ottawa (2.7), and Toronto (2.0).
- S.8 is the second most common violation and is especially prominent in York (4.2), Ottawa (2.9), and Toronto (2.4), indicating that search-related issues are a recurring source of *Charter* breaches across several police services.
    - Overall, Peel records the highest rate of *Charter* violations for s.10(b), while York shows consistently high rates across several sections, whereas Toronto, Ottawa, and Durham exhibit more moderate but still notable patterns of *Charter* breaches.

5. *CHARTER* BREACHES AFTER SEPTEMBER 1, 2022

- To assess whether the impact of *Unchartered*, the Toronto Star's investigative series which was released in June, 2022, we examined *Charter* breach cases where the incidents *occurred* after 1 September 2022, allowing time for police services to adjust operational policies, training, and supervisory practices in response to the investigative series. A total of 24 post-investigative series *Charter* breach cases were identified across the five police services.

Figure 5.1 Share of detected *Charter* breach cases across police services following the *2022* Unchartered series (N = 24)

- Toronto accounts for the largest share of post-investigative series breaches, followed by Peel, with Ottawa, York, and Durham contributing smaller proportions.
- The post-review distribution closely mirrors the pre-2022 pattern, indicating continuity rather than redistribution across cities.



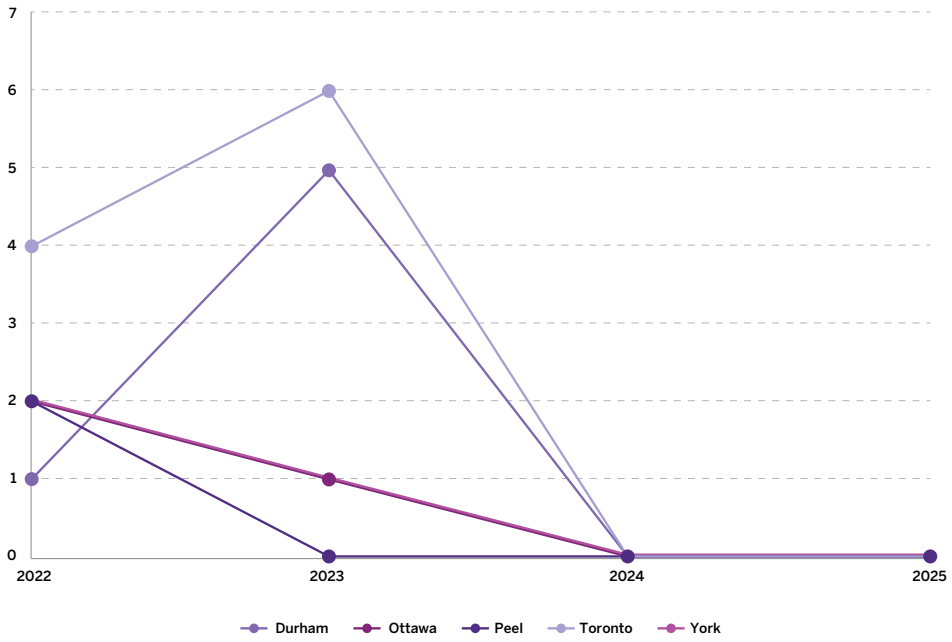


Figure 5.2 Annual Counts of *Charter* Breach Decisions After the 2022 Investigative Series, by Police Service

Figure 5.2 shows that *Charter* breaches continued into 2023, more than a year after the investigative series completion.

- Breaches continued into 2023, extending well beyond the immediate post-investigative series phase and suggesting effects not limited to short-term institutional inertia.
    - The lack of observed breaches in 2024 and early 2025 is best explained by the gap between an incident (i.e. charges) and a *Charter* application and court decision, rather than a substantive cessation of *Charter* violations.

6. RACE

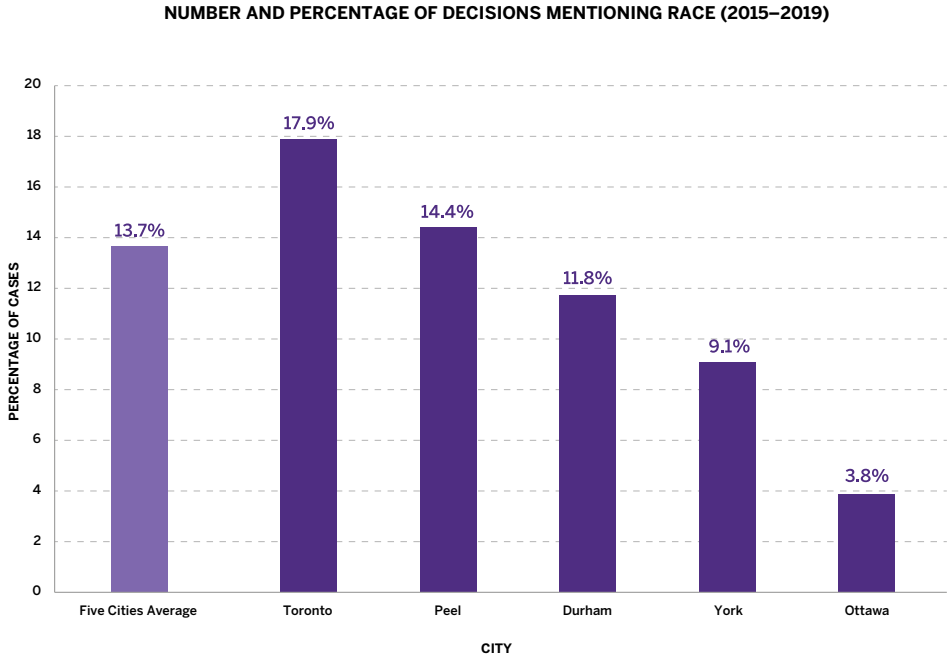


Table 6.1 Judicial Mentions of Race in *Charter* Breach Decisions (2015–2019)

- Between 2015 and 2019, an average of 13.7% of *Charter*-breach decisions across the five cities explicitly mention race, indicating that racial considerations appear in a non-trivial but clearly minority share of judicial reasoning.
- Toronto (24, 17.9%) shows the highest proportion of race-mentioning decisions, followed by Peel (13, 14.4%) and Durham (2, 11.8%), while York (7, 9.1%) and Ottawa (1, 3.8%) exhibit markedly lower rates, suggesting uneven judicial engagement with race across jurisdictions.
- Differences across police services reflect variation in judicial articulation and case framing rather than direct measures of racialized policing, and the overall low prevalence reinforces concerns that racial dynamics are often under-acknowledged in formal judicial discourse.

CONCLUSION

This analysis provides a systematic descriptive overview of *Charter* violation court decisions involving the five largest municipal police services in Ontario over the 2015–2025 period. By summarizing annual and police service–level frequencies, the analysis documents clear variation over time and across jurisdictions in both the number of court decisions and the number of *Charter* violations identified by the courts. The distinction between cases and violations highlights that judicial findings of *Charter* breaches by police differ not only in the frequency of court decisions, but also in the number of *Charter* sections breached within individual decisions.

04

Qualitative Analysis

This chapter contains a qualitative analysis of Peel Regional Police and Toronto Police Service cases. All the cases are criminal court decisions made between January 1, 2015 and May 31, 2025 with findings of *Charter* violations involving police officers employed by these two municipal services.

04

Qualitative Analysis of Peel Regional Police and Toronto Police Service Cases

This chapter contains a qualitative analysis of Peel Regional Police (PRP) and Toronto Police Service (TPS) cases. All the cases are criminal court decisions made between January 1, 2015 and May 31, 2025 with findings of *Charter* violations involving police officers employed by these two municipal services.

The qualitative analysis concentrated on the Peel Regional Police and Toronto Police Service not merely because of time constraints, but because the dataset revealed these police services had the most *Charter* violations.

Our qualitative analysis identifies:

1. Express findings of racial profiling
2. Hidden racial profiling
3. Other egregious cases, including where officers lied or provided false testimony; used excessive force; or conducted unlawful strip searches
4. Systemic issues identified by judges and potential systemic issues identified by the research team through a global analysis of cases

A. Peel Regional Police

I. EGREGIOUS CASES

a. Express findings of racial profiling

We found eight criminal court decisions with express findings of racial profiling in relation to the Peel Regional Police (PRP).[1] In every case, the accused was a Black man, and in seven of the eight,[2] the Court described the accused as "young". In every case, the officer's engaged in a detention, arrest and/or search of the accused without reasonable grounds. Each case resulted in the exclusion of evidence that was obtained in violation of the accused's *Charter* rights.

In three of these cases, the officers were identified as senior or veteran members of the PRP service.[3] In one case, a veteran officer was found to have racially profiled an accused while responsible for training a new officer.[4]

In five of the eight cases, officers were found to have engaged in racial profiling during a traffic stop.[5] In two of these cases, the Court noted that the rapid escalation from a minor traffic stop to the detention, handcuffing, and search of the accused was indicative of racial profiling.[6]

Two decisions of the eight involved officers interpreting ambiguous behaviour as incriminatory.[7] Two other cases involved searches under the *Cannabis Control Act* that were tainted by racial bias.[8]

Five decisions of the eight involved officers failing to consider the totality of the circumstances when deciding to detain or search the accused.[9]

Although decided post the data collection period of this report, in *R v Murray*, the Superior Court of Justice found that "the police conduct during the total investigation amounts to racist mistreatment."[10]. The accused, a Black man, was subjected to a pre-text stop, unlawful arrest and excessive force and not provided basic rights to a lawyer.

1 *R v Tutu*, 2021 ONSC 5375 [*Tutu*]; *R v James*, 2021 ONSC 3794 [*James*]; *R v Gala-Nyam*, 2023 ONSC 2241 [*Gala-Nyam*]; *R v Holloway*, 2021 ONSC 6136 [*Holloway*]; *R v Ffrench*, 2022 ONCJ 134 [*Ffrench*]; *R v Byfield*, 2023 ONSC 4308 [*Byfield*]; *R v Morgan*, 2023 ONSC 6855 [*Morgan*]; *R v Cameron*, 2025 ONSC 2621 [*Cameron*].

2 *Tutu, ibid* at para 55; *James, ibid* at para 25; *Gala-Nyam, ibid* at para 67; *Holloway, ibid* at paras 37 and 71; *Ffrench*, *ibid* at para 38; *Byfield, ibid* at para 91; *Morgan, ibid* at para 79.

3 *Tutu, ibid* at para 21; *Gala-Nyam, ibid* at para 6; *Morgan, ibid* at para 1.

4 *Morgan, ibid* at para 1.

5 *Gala-Nyam supra*; *Ffrenchsupra* ; *Morgan*, *ibid*; *Cameron, supra* ; *James, supra* .

6 *Gala-Nyam ibid* at para 67; *Cameron, ibid* at paras 1 and 51.

7 *Tutu supra*, at para 25; *Gala-Nyam, ibid*, at para 58.

8 *Byfield, supra* ; *Morgan, supra* at para 67.

9 *Gala-Nyam supra* at para 59; *Holloway, supra*, at para 76; *Cameron, supra* at para 51; *Byfield, ibid* at para 62; *Morgan, supra* at para 80.

10 *R v Murray*, 2025 ONSC 4127 at para 283.

CASES

R v Tutu, 2021 ONSC 5375

In *R v Tutu*, the Superior Court of Justice held that PRP officers engaged in racial profiling when detaining a young Black man, resulting in serious violations of the accused's ss. 8, 9 and 15 *Charter* rights.[11]

On August 5, 2018, two officers responded to a disturbance at a parking lot of a restaurant, known to one of the officers, a 10-year veteran of the force, as a "hotspot" for crime. After casually speaking with a group of Asian men and finding nothing suspicious, they approached a nearby group of mostly Black men and a few Black women. When the Black men appeared surprised and did not respond to their greeting, the officers deemed their behaviour suspicious. The veteran officer claimed that the accused "bladed" his body and stepped behind another Black man to hide his satchel – he assumed there was a gun in it. He ordered the accused to walk towards him and handcuffed him. He felt the outline of a gun in the satchel and arrested him. Four other Black men were then detained at gunpoint.[12]

The Court found that the officers' beliefs about the group were grounded in racial bias. The group's non-responsiveness should not have been treated as indicative of suspicious activity and, instead, was consistent with the distrust that many young Black men feel toward police.[13] The Court rejected the veteran officer's testimony as "defiant and arrogant," noting that he could not recall important details of the accused's alleged concealment.[14] Instead, his testimony in this regard was merely an attempt to justify his decision to detain and search the accused.

Since the initial detention of the accused was motivated by racial profiling, the search of his satchel was also unconstitutional. In excluding the firearm from evidence, the Court emphasized that "[t]he reliance of race as a proxy for criminal activity amounts to a serious violation of the rights of a racialized person."[15]

R v James, 2021 ONSC 3794

In *R v James*, the Superior Court of Justice held that racial profiling influenced the PRP officer's decision to arrest the accused, violating his ss. 8 and 9 *Charter* rights. The Court found the officer tailored his evidence and relied on racialized stereotypes about young Black men in hoodies, leading to the exclusion of firearm evidence.[16]

11 *Tutu supra* at para 69.

12 *Ibid* at paras 25-29.

13 *Ibid* at para 50.

14 *Ibid* at para 58.

15 *Ibid* at para 69.

16 *R v James*, 2021 ONSC 3794 at para 26 [*James*].

On May 20, 2019, police responded to a 911 call reporting that a Black man in a black Jeep had pointed a gun at someone. The caller said there were five to six Black people in the car, and the gunman was wearing a black durag and a grey jumpsuit. Shortly after, an officer observed a dark four-door Honda sedan with three Black men inside, one wearing a grey sweater and either a hat or durag. Without further inquiry, the officer followed the car into a plaza, ordered the men to put their hands on the car, and told them they were under arrest. The officer conducted an initial pat down of the men and searched the car, finding nothing. He conducted a second pat down of the accused and discovered a firearm.[17]

The Court found that the 911 description was so vague that it could have "applied to thousands of Black males in the City of Brampton." [18] The only points of similarity were the men's race, the dark colour of the car, and the proximity to the reported area. The men were compliant and did not behave suspiciously. The Court noted that the officer gave inconsistent evidence and appeared to tailor his testimony under cross-examination to rationalize the arrest after the fact. Ultimately, the Court held that the officer relied on racial stereotypes and decided to arrest the accused because he was a young Black man, despite the fact he did not match the description of the individual alleged to have pointed the gun.[19] The Court concluded that the arrest was based on racial stereotypes, and the *Charter* breaches were serious. The firearm evidence was excluded.

R v Gala-Nyam, 2023 ONSC 2241

In *R v Gala-Nyam*, the Superior Court of Justice found that a seven-year veteran PRP officer subjected a young Black man to an arbitrary traffic stop motivated by racial profiling, violating his ss. 8 and 9 *Charter* rights.

On November 29, 2020, the officer was patrolling a residential area in a "low-profile police vehicle" when he noticed the accused's car had no front licence plate and that the driver was Black. After realizing the licence plate was from Quebec – where front license plates are not required – he nevertheless ran the plate through police databases, finding no information. He continued to follow the car, observing nothing unusual except when the car made a rolling stop while turning right at a red light. He then saw the accused's vehicle briefly pull over to the right side of the road near a bridge, speculating that the driver may have thrown something from the car but saw nothing as he drove by. After the accused made a lawful left turn into a high-income neighbourhood, the officer activated his lights and sirens and conducted a traffic stop. When the driver provided his documentation, the officer saw various Ontario and Quebec drivers' licences that were not the accused's. The accused was arrested, and a pat down search revealed a bag with a small amount of cocaine. [20]

The Court found that there was no objective basis for the stop. The only unlawful activity the officer observed was the rolling stop, yet the officer believed the accused was evasive, or "up to something else."[21] His use of lights and sirens for a minor traffic infraction was deemed a disproportionate response.[22] The Court held that the officer was suspicious about the accused because he subconsciously relied on the accused's race as an indicator for potential criminality. The Court ordered the exclusion of identity documentation and drug evidence.

17 *Ibid* at paras 2-7.

18 *Ibid* at para 21.

19 *Ibid* at para 71.

20 *Gala-Nyam supra* at paras 6-37.

21 *Ibid* at para 58-59.

22 *Ibid* at para 71.

R v Holloway, 2021 ONSC 6136

In *R v Holloway*, the Superior Court of Justice found that PRP officers breached a young Black man's s. 8 *Charter* rights by conducting an unreasonable search motivated by racial profiling. The breach was a serious violation of the accused's privacy and dignity, resulting in the exclusion of handgun evidence.[23]

On April 20, 2018, two officers responded to a low priority "unwanted persons" call at an apartment building known to them as a site of "extensive gang and criminal activity."[24] They entered the unit without speaking to anyone and found three young women (one white, two Asian) and four or five Black men. As the accused stood up and moved across the room, one officer claimed he shifted his satchel to conceal it, while the other officer testified, he was "blading" his body but only saw the satchel when the accused was seated. Within minutes, the accused was searched, and a handgun was found.[25]

The Court rejected both officers' accounts, finding their evidence inconsistent on a material fact that would have grounded a reasonable search: the alleged concealment of the satchel. Instead, the Court held that the officer's engaged in racial profiling of the accused, shown by three indicia:

1. The officers' perceptions of the high crime building, occupied by racialized and low-income tenants, reflected anti-Black stereotypes linking race, poverty and criminality. The Court observed, "[w]hen the situation confronting a police officer conforms at least to some extent with a stereotype which forms part of the racial profiling lexicon, the risk of racial profiling is heightened."[26]
2. The officers exceeded the scope of the low priority to call to investigate potential crime. They aggressively entered the unit and detained the occupants. The officers emphasized the perceived age gap between the underage non-Black women and the older Black men. However, the accused was the oldest and had only recently turned 18. The Court found these observations fed into "virulent racial stereotypes" that tainted the officer's perception of the accused.[27]
3. One officer, previously criticized by three judges for giving untruthful testimony, again gave misleading evidence consistent with racial bias.[28]

> The evidence demonstrated that racial profiling played a substantial role in the officers' conduct. In excluding the handgun evidence, the Court noted that "[i]t is hard to imagine that evidence obtained at least in part based on racial profiling could ever survive and be admitted at trial."[29]

23 *Holloway supra* at para 143.

24 *Ibid* at para 66.

25 *Ibid* at para 27 and 30.

26 *Ibid* at para 69.

27 *Ibid* at para 72.

28 *Ibid* at para 129; See also: *R v Mitchell*, 2019 ONSC 2613 and *R v Jama*, 2018 ONCJ 730 [*Jama*].

29 *Ibid* at para 137.

R v Ffrench, 2022 ONCJ 134

In *R v Ffrench*, the Ontario Court of Justice found that a PRP officer engaged in racial profiling during a traffic stop of a young Black man, resulting in breaches of ss. 8 and 9 of the *Charter*. The accused was acquitted.

On September 17, 2020, an officer patrolling a plaza was checking licence plates of cars for suspensions and monitoring drivers for impairment. His notes also indicated an interest in gang activity. He had stopped a vehicle with a white male driver for a sobriety check, found no issues, and released him. Soon after, he saw the accused and his friend – both Black men – enter a car near a bar and recorded "M.B. x2" (Male, Black x2) in his notes. Having previously run the licence plate, which showed the car may have been a rental, the officer followed the car, activated his lights, and conducted a stop. The accused, now seated in the backseat, complied with the officer's directions to move to the driver's seat and identified himself. A records check revealed that he was a disqualified driver on probation. He was arrested, and his car was searched, finding nothing.[30]

The Court found that the search of the accused's vehicle was unreasonable and "infected by racial profiling," which also tainted the legitimacy of the stop.[31] The officer's notes indicating the race of the occupants was inappropriate.[32] The Court found that the search lacked any lawful basis and was likely motivated by stereotypes associating two young Black men in a high crime area, driving a rental car, with gun or gang activity.

The Court concluded that the officer's conduct reflected unconscious racial bias. In excluding evidence of the accused's name and dismissing the charge of driving while disqualified, the Court emphasized that "[t]he impact of the *Charter* infringing practice on the liberty and equality rights of the [accused] and the Black community in general is substantial, corrosive and ever-present."[33]

30 *Ffrench, supra* at paras 1–13.

31 *Ibid* at para 27.

32 *Ibid* at para 28.

33 *Ibid* at para 47.

R v Byfield, 2023 ONSC 4308

In *R v Byfield*, the Superior Court of Justice held that a PRP officer's decision to search a young Black man was based on racial bias resulting in breaches of ss. 8, 9 and 10(b) of the *Charter*. The firearm evidence was excluded from trial.

On July 6, 2020. the accused was seated in a vehicle with a female passenger in a motel parking lot that the officer described as a "high problem and crime area."[34] While checking the lot for unauthorized loiterers, he ran the accused's licence plate through police databases and found no information. He decided to approach the car. Although the officer initially testified that he could not see the occupants' gender until the window was rolled down, he later contradicted himself. The Court concluded he identified the accused as a young Black man before approaching the car. The officer noticed the accused holding a rolled cigarette and smelled marijuana. The accused was cooperative and removed his satchel when asked. Despite this, the officer conducted a pat down search of the applicant, claiming it was for officer safety. The car was searched, and then the satchel where a firearm was found.

While the officer had grounds to investigate a possible *Cannabis Control Act* (*CCA*) offence, there were no objective safety concerns to justify a pat down search. Instead, the Court found that the accused's race, accompanied by a female passenger in a high crime area known for prostitution, led the officer to rely on racial stereotypes associating Black men with crime or dangerousness. The safety (pat down) search was an unlawful exercise of police discretion, motivated by racial profiling, to attempt to uncover other unrelated criminal activity.[35]

The Court also found a s. 10(b) breach, citing a 53-minute delay between when the accused was arrested and when he was able to speak to counsel. In excluding the firearm from evidence, the Court characterized the officer's conduct as a serious intrusion on the accused rights. and emphasized that the "manner in which Black communities are subjected to a disproportionate burden of law enforcement is consistent with systemic racism and anti-Black bias," adding that "the truth-seeking function of a trial is not better served by the admission of evidence tainted by racial profiling."[36]

R v Morgan, 2023 ONSC 6855

In *R v Morgan*, the Superior Court of Justice found that a young Black man's ss. 8, 9, 10(a) and 10(b) *Charter* rights were violated during an unlawful traffic stop motivated by racial profiling. The Court excluded firearm evidence.

On October 23, 2021, the accused was a passenger in a car driven by an East Asian man when two PRP officers pulled them over, claiming the driver was on his cellphone. The senior officer approached the passenger side, claimed to see cannabis "shake" or crumbs on the driver's hand, and began a *Cannabis Control Act* investigation. Both men were handcuffed and searched, and a handgun was found on the accused. During the search of the driver, the officer asked him if he knew the accused and twice asked whether the accused was "going to get [him] in trouble." The officer later explained at trial that this was to ensure the accused wasn't going to try to fight him.[37]

34 *Byfield, supra* at para 12.

35 *Ibid* at para 126.

36 *Ibid* at paras 166 and 174.

37 *Morgan supra* at para 76.

The Court found that the officer saw the accused was Black before deciding to pull the car over and rejected the officer's contradictory testimony in this regard. It also found that the officers' claim that he smelled cannabis and saw drug paraphernalia when speaking to the occupants were influenced by what he had learned was present in the car after the fact. The officer's questions and his description of the accused as "verbally resistant," revealed racialized assumptions that the accused posed a threat despite his compliant and respectful demeanour. Additionally, the officer's act of using the accused's back to write his notes was disrespectful and driven by racial bias.

> The Court noted that the rapid escalation from a simple traffic stop to both occupants being handcuffed and searched would not have occurred if they were middle-aged men in business attire stopped on a suburban street.[38] In excluding the firearm from evidence, the Court noted that many interactions, like this one, do not find their way to a courtroom, and that "[t]here is no way of knowing with certainty how frequently such interactions happen."[39] The Court emphasized that "[a]nyone who cares about the safety of our communities should also care about these kinds of interactions between police and citizens."[40]

R v Cameron, 2025 ONSC 2621

In *R v Cameron*, the Superior Court of Justice found that a PRP officer engaged in racial profiling by relying on stereotypes that Black men are more prone to criminality when deciding to arrest, detain and search the accused during a traffic stop. The accused's ss. 8, 9 and 10(b) rights were breached, and the firearm and statements were excluded.[41]

In October 2023, an officer patrolling Brampton received an artificial intelligence system alert that a vehicle's owner license was under suspension with outstanding drug charges. The officer followed the vehicle, pulled it over and called for backup before confirming the driver's identity. The accused was cooperative, identified himself as the owner of the vehicle, and explained he was unaware of his suspension. The accused was arrested, handcuffed and searched. The officer seized his personal items and questioned him in the backseat of the cruiser before advising him of his rights. A second officer searched the car and found a firearm.[42]

The Court rejected the officer's claim that detaining the accused was "common practice."[43] At trial, the officer acknowledged that police power to arrest as "awesome" and he could have exercised his discretion not to arrest the accused.[44] The Court found the officer relied on the accused's outstanding charges combined with stereotypes about Black men as dangerous and criminal to justify his decisions. The Court found the officer escalated the stop within minutes of realizing the driver was Black, without any objective safety concern.[45] Notably, the officer's decision to deactivate his bodycam microphone during discussions with the second officer was concerning, and made no sense, undermining his credibility.

The Court concluded the police conduct was "poisoned" by racial discrimination.[46] The Court emphasized that such profiling contributes to mistrust in the police, the overrepresentation of Black people in the justice system and perpetuates systemic inequality and intergenerational trauma within Black communities.[47]

38 *Ibid*, at para 80.

39 *Ibid* at para 93.

40 *Ibid* at para 95.

41 *Cameron*, *supra* at para 57. This decision is currently under appeal. See: Jim Rankin, "Crown appeals ruling that tossed gun case, blamed 'systemic and intractable' racial profiling inside Peel" (3 July 2025), The Toronto Star (online), online: <https://www.thestar.com/news/gta/crown-appeals-ruling-that-tossed-gun-case-blamed-systemic-and-intractable-racial-profiling-inside-peel/article_7daac09b-3c4d-41be-810a-261a1ef75f0e.html> (accessed 16 January 2026).https://www.thestar.com/news/gta/crown-appeals-ruling-that-tossed-gun-case-blamed-systemic-and-intractable-racial-profiling-inside-peel/article_7daac09b-3c4d-41be-810a-261a1ef75f0e.html for more information.

42 *Ibid* at paras 1–3.

43 *Ibid* at para 35.

44 *Ibid* at para 15.

45 *Ibid* at para 35.

46 *Ibid* at para 51.

47 *Ibid* at para 53.

b. Hidden racial profiling

> We identified six criminal court decisions pertaining to the PRP that were indicative of hidden racial profiling – where the decision notes the race of the accused, racial profiling was not an issue before the judge, and an inference can be drawn that there was a racial profiling or racial discrimination.
>
> All six involved accused who are Black men.[48]

In two cases, the Court found that officers lied or provided false testimony. [49] Each of these cases involved at least two officers lying or giving false testimony. In one of these cases, the officers subjected a young Black man to excessive force, resulting in serious injuries to his face and ribs.[50]

Additionally, five of the six cases involved detentions, arrests, and/or searches of the accused's person or vehicle without reasonable grounds.[51] In two cases, officers suspected and detained an individual solely based on a "hunch."[52]

In five of the six cases, the Court excluded evidence obtained in violation of the accused's *Charter* rights.[53] In one of the six cases, the Court ordered a stay of proceedings.[54]

CASES

R v Burnett, 2015 ONSC 3586

In *R v Burnett*, the Superior Court of Justice found that police unlawfully searched the accused's vehicle after deliberately manufacturing a situation of "abandonment." The Court held there was a serious s. 8 *Charte*r breach and excluded the evidence, despite the gravity of the charges.[55]

On April 24, 2015, the accused, a Black man in his thirties, was pulled over by officers who were patrolling the area for drug activity. They believed he was on house arrest, and in breach of a conditional sentence. The accused was arrested, despite being out on one of the exceptions listed in his sentence, to pick up and drop off his children to and from school. After transporting him to the station, the officers left his van blocking part of the roadway for over 30 minutes. They made no effort to let him move it or call someone to retrieve it and later ordered that the van be towed and searched under the guise of an inventory search.[56] The search uncovered drugs and a firearm.

The judge rejected the officer's explanation that the accused had "abandoned" his vehicle, noting that this was never mentioned in their notes and only first appeared in their testimony at trial. The Court found it implausible that the officers did not suspect contraband would be inside the vehicle, as they were already patrolling the area for drug activity. By intentionally creating a hazard on the roadway, and then artificially creating a situation of "abandonment," the police manufactured grounds to justify the search of the accused's vehicle.[57] This amounted to a flagrant disregard for the *Charter* that the Court found would undermine the integrity of the justice system. Thus, the Court excluded the firearm and drug evidence.

48 *R v Burnett*, 2015 ONSC 3586 [*Burnett*]; *R v Robinson*, 2016 ONSC 1667 [*Robinson*]; *Jama*, *supra*; *R v Samuels*, 2019 ONCJ 213 [*Samuels*]; *R v Reeves*, 2019 ONSC 1862 [*Reeves*]; *R v Rumbaki*, 2024 ONCJ 49 [*Rumbaki*].

49 *Robinson supra*; *Burnett, supra* .

50 *Robinson*, *ibid.*

51 *Burnett, supra*; *Jama*, *supra*; *Samuels*, *supra*; *Reeves supra*; *Rumbaki*, *supra.*

52 *Samuels, ibid*; *Jama ibid.*

53 *Burnett*, *supra*; *Jama*, *supra*; *Samuels*, *supra*; *Reeves*, *supra*; *Rumbaki*, *supra.*

54 *Robinson*, *supra.*

55 *Burnett, supra* at para 73.

56 *Ibid* at para 22.

57 *Ibid* at paras 68–73.

R v Robinson, 2016 ONSC 1667

In *R v Robinson*, the Superior Court of Justice granted a stay of proceedings after finding that PRP officers used excessive force and there was "a contrived effort on the part of these officers to justify their use of force against [the accused], including giving untruthful evidence."[58] The Court held that the conduct amounted to a serious s. 7 *Charter* breach, making it impossible for the trial to proceed fairly.

On January 25, 2013, the accused, a Black man in his fifties, with no criminal record, was stopped by police. The police were surveilling a building based on a tip about drug dealing. The police were attempting to capture a fugitive drug dealer. Mistaking the accused for the fugitive, the officers handcuffed the accused and forced him to the ground where they repeatedly punched, kicked and tasered him despite his compliance with the officer's commands and his insistence that he was not the suspect they thought he was.[59] The accused suffered serious injuries, including a broken rib, a broken tooth, lacerations to his lip, nose and ear and burns from the taser. The police then searched his car without permission and found cocaine.

At trial, the officers testified that the accused attempted to flee at the time of his arrest by reversing his vehicle into the police car, and that he had refused to be handcuffed. The judge found the officers to be inconsistent in their evidence, and that they concocted a false story to justify their use of excessive force. The judge found the accused's account credible, concluding that no force was necessary in this case and was instead a form of unlawful extra-judicial punishment.[60] Given the seriousness of the *Charter* violation, the Court stayed the proceedings, holding that allowing the prosecution to continue would offend society's sense of fair play and decency.

R v Jama, 2018 ONCJ 730

In *R v Jama*, the Ontario Court of Justice granted the exclusion of a gun from trial. The Court found that PRP officer engaged in inappropriate behaviour throughout the interaction with the accused, a Black man, resulting in violations of the accused's ss. 8, 9 and 10(b) *Charter* rights. The Court held that the traffic stop was a pretext for an unlawful detention, arrest and search. The Court further emphasized the dangers of police misconduct, particularly by the Peel Regional Police, targeting young men of colour.[61]

58 *Robinson supra* at paras 54 and 67.

59 *Ibid* at para 62.

60 *Ibid* at para 53.

61 *Jama, supra* at para 64; See also *R v Holloway*, 2021 ONSC 6136 para 133

The accused was stopped by an officer after allegedly observing the accused's vehicle engage in a traffic violation and upon checking the vehicle's plate, discovering that the vehicle was a rental. The officer followed the accused into a plaza, arrested him and searched his vehicle. The officer found a loaded gun under the seat. The accused maintained that this was a pretext and arbitrary stop.[62]

At trial, video footage from a traffic camera at the intersection undermined the officer's account. The judge found his testimony was obscured by "half-truths and contradictions" and determined that there was no reasonable basis for the detention.[63] The judge found it more likely that the officer did not observe the accused engage in a traffic violation and instead decided to detain the accused for another "unknown reason."[64] During the initial detention, the officer questioned the accused as to whether he had been in trouble with the police before or if he had any outstanding charges. This improper line of questioning amounted to an unfounded criminal probe, compelling the accused to answer. The accused disclosed that he was on bail and produced paperwork from the day before that he had been removed from his house arrest condition. The officer deliberately ignored the accused's pleas to look at the paperwork and pressed ahead with his arrest. Since the arrest was unlawful, the subsequent search of his vehicle was also unconstitutional.[65]

The Court held that the seriousness of the multiple violations, coupled with their compounding effect, outweighed society's interest in adjudicating a serious firearm offence on its merits.

> The judge underscored that "Peel Region is a diverse cultural mosaic like few others. The *Charter* rights of all of our residents are at risk when the rights of young men of colour, like the Applicant, are trampled upon by the excesses of heavy police boots." [66]

R v Samuels, 2019 ONCJ 213

In *R v Samuels*, the Ontario Court of Justice granted the exclusion of evidence from trial after finding that a young Black man was subjected to an arbitrary detention, unlawful search, and violations of his right to counsel.[67]

62 *Ibid* at paras 7–12.
63 *Ibid* at para 19.
64 *Ibid* at para 20.
65 *Ibid* at para 62.
66 *Ibid* at para 64.
67 *Samuels*, *supra*.

In April 2018, the accused, a man in his twenties, was the passenger in a vehicle that was stopped by PRP officers for a traffic violation. The driver turned, without signalling, into a hotel parking lot known to police for criminal activity and entered the hotel. The officer claimed the stop was for a minor traffic infraction, but no ticket was ever issued. Instead of waiting for the driver to return to the car, who was the subject of the alleged traffic violation, the officer turned his attention to the accused, the passenger of the vehicle, and spoke to him through the rolled down window, asking for his name and date of birth. Although the officer insisted the accused was "free to go," the Court found that he was detained from the moment he was questioned. The accused then asked to use the washroom but instead got into another vehicle which started to drive away. The Court held that if the accused was not previously detained, he would certainly have been when the officer then blocked his exit, pointed a gun at him, and arrested him at gunpoint.[68]

The Court concluded the officer had no lawful basis to detain the accused. The traffic violation was abandoned in favour of probing the accused's criminal history. The questioning and search of the accused violated his ss. 8, 9. 10(a) and 10(b) rights. The arrest was made on a "hunch," only to later justify his detention when the officer discovered the accused was bound by bail conditions.[69]

The breaches resulting from the handcuffing, physical search, arrest at gunpoint and interrogation without the accused's rights to counsel were found to be serious and had a significant impact. The Court excluded the false name and date of birth given by the accused, and the fact that he was on recognizance from the evidence. Ultimately, the accused was acquitted acquitted of all charges (obstruct justice and breaches of recognizances).

R v Reeves, 2019 ONSC 1862

In *R v Reeves*, the Superior Court of Justice excluded cocaine seized from a vehicle after finding that PRP officers conducted an unlawful detention and search of a young Black man. The Court held that the accused's ss. 8 and 9 *Charter* rights were violated, and the officer's lack of candour exacerbated the seriousness of the misconduct.

On May 12, 2017, the accused was parked in a Black BMW at night, in what police described as a "high-crime" area.[70] The officer pulled in behind the car, advising dispatch of a traffic stop. He claimed he observed an open bottle of alcohol in the vehicle and ordered the accused and another man out of the vehicle. After patting both men down, the officer called for assistance and then searched the car where he found cocaine.

At trial, the judge largely rejected the officer's testimonies, citing major inconsistencies. One of the officer's notes conflicted with his account of what happened and of his colleagues.[71] The Court concluded that both men were already outside of the vehicle when the officer investigated them. The accused had never been in possession of the liquor bottle and there were no signs of intoxication. The Court concluded that the officer unlawfully searched the accused and then escalated the situation when he searched his car after finding a key in his pocket. The officer had no lawful grounds for detention, nor the subsequent search.[72]

68 *Ibid* at para 20.

69 *Ibid* at para 36.

70 *Reeves*, *supra* at para 2.

71 *Ibid* at para 29.

72 *Ibid* at para 39.

The Court described the officers conduct as very serious. The accused's liberty and privacy interests were gravely impacted.

> The Court emphasized that persons who reside in areas described as "high-crime areas" are "....as entitled to equal protection and respect for their *Charter* protected rights as any other persons who reside in affluent areas."[73] Despite the seriousness of the charge, excluding the cocaine was necessary to preserve the long-term integrity of the justice system.

R v Rumbaki, 2024 ONCJ 49

In *R v Rumbaki*, the Ontario Court of Justice excluded firearm evidence after finding multiple *Charter* breaches. The Court held that the police unlawfully detained and arrested the accused, violating his ss. 9 and 10(a) rights. Additionally, the search of the accused's car as incidental to the unlawful arrest constituted a violation of his section 8 *Charter* rights.

On March 1, 2018, PRP officers were driving on a residential street when they noticed the accused sitting in a parked car, looking down. As he got out and walked up a driveway, the officers pulled up behind him and ordered him to go back to his vehicle. The accused refused and fled. During the pursuit, an officer saw the accused discard a handgun in a nearby compost bin. Upon searching the accused's vehicle, another firearm was found, and the accused's companion was arrested. The accused was later arrested in 2022.[74]

The Court held that the accused's detention was groundless, and therefore arbitrary. The judge reasoned that "...it is difficult to avoid a suspicion and conclusion that the officer's groundless targeting of the defendant for investigation was racially infected. There is no other valid explanation for [the officer's] actions - a telling clue to the presence of racial profiling..." [75] Although the Court made this express observation, the Court did not explicitly address whether there was racial profiling.

The Court adopted a broader approach to the facts of the case, finding that "...the true issue is an important one of freedom from arbitrary police interference, harassment and abuse of authority." [76] Given the aggressive nature of the interaction and the groundless detention and arrest, the evidence was excluded.

73 *Ibid* at para 48.

74 *Rumbaki, supra* at paras 9–12.

75 *Ibid* at paras 33–34.

76 *Ibid* at para 46.

c. Other egregious cases

LYING OR FALSE TESTIMONY

We identified six cases where officers lied or provided false testimony.[77] Four out of the six cases involved multiple PRP officers lying or providing false testimony.[78]

In three of the six cases, the court excluded evidence obtained in violation of the accused's *Charter* rights.[79] The court ordered a stay of proceedings in the other three cases.[80]

R v Burnett, 2015 ONSC 3586

A summary of this case is provided earlier in this chapter as an example of hidden racial profiling. The Court found the police had manufactured grounds to justify the search of the accused's vehicle.

R v Robinson, 2016 ONSC 1667

A summary of this case is provided earlier in this chapter as an example of hidden racial profiling. The Court found that the officers contrived their rationale in trying to justify their excessive use of force against the accused that caused serious physical injuries.

R v Somerville, 2017 ONSC 3311

The accused was charged with serious drug offences. The PRP officers executed a search warrant of his storage unit on June 23, 2014. The judge found an officer stole a Tony Montana statute from the storage unit and lied about it. Further, the judge found that three other officers knew what the officer had done but lied about their knowledge to deceive the Court. [81]

The accused applied for a stay of proceedings alleging an s. 7 breach of his *Charter* right. The Court held that his s. 7 rights were violated and ordered a stay, even though it was highly likely that a trial against the accused would have resulted in a guilty verdict. According to the Court, no other remedy would have been adequate to address the breach of community trust caused by the officers' deception.[82]

77 *Robinson*, *supra*; *Burnett*, *supra*; *R v Somerville*, 2017 ONSC 3311 [*Somerville*]; *R v Khoshaba*, 2019 ONSC 6896 [*Khoshaba*]; *R v Al-Adhami*, 2020 ONSC 6421 [*Al-Adhami*]; *R v Sharma*, 2023 ONSC 5010 [*Sharma*].

78 *Robinson*, *supra*; *Somerville*, *supra*; *Khoshaba*, *supra*; *Sharma*, *supra*.

79 *Burnett*, *supra*; *Khoshaba*, *supra*; *Sharma*, *supra*.

80 *Robinson*, *supra*; *Somerville*, *supra*; *Al-Adhami*, *supra*.

81 *Somerville*, *ibid*.

82 *Ibid* at paras 140–168.

R v Khoshaba, 2019 ONSC 6896

In *R v Khoshaba*, a handgun was excluded from evidence at trial due to a "blatantly illegal arrest and search" of the accused, a young Iraqi man, that resulted in violations of his s. 8, s. 9 and s. 10(b) rights.[83] The Court criticized the arresting PRP officers for "inventing a story to justify their wrongful actions and deceiving the court while under oath."[84]

On October 19, 2018, the accused, a man in his twenties, was driving a rental vehicle. Based on a hunch, officers followed the rental vehicle to the accused's residence. When the accused exited his vehicle and ignored the officer's request to speak with him, the officers grabbed him, shoved him against the front door of his home and forced his hands behind his back.[85] He was then handcuffed and confined to the back of the police cruiser.

At trial, the officers testified that the basis for following the car was due to a traffic violation. However, the Court found that the officers fabricated this story and gave false testimony in court. The Court found that "without any doubt" the accused's driving played no role in justifying the police's pursuit and eventual search of his vehicle which resulted in the discovery of the firearm.[86]

The officers' conduct was described as very serious. The Court noted that "all police know they require reasonable and probable grounds to believe an offence has been committed before they can make an arrest" and that the officers in this case ignored this standard.[87] Further, the Court emphasised that "[i]f the police had not infringed [the accused's] rights, they would not have discovered the handgun."[88] Although the handgun was critical to the Crown's case, and the accompanying charge was very serious, the impact of the breach was high and the officers' misconduct was grave, which warranted exclusion of the evidence.

The Court could not conclusively make a finding of racial profiling, although it strongly suspected that the police noticed the accused's appearance "when they initially approached the stop sign, and that may have well have been a factor in their pursuit."[89]

R v Al-Adhami, 2020 ONSC 6421

The Superior Court of Justice found that the "no part of the allegations against [the accused] was untouched by some degree of distortion. The consistent slant of the allegations and the way in which they permeate every aspect of the synopsis indicate a high degree of purposive behaviour." [90]

The accused was charged with obstructing justice and intimidating a witness. According to the police synopsis, between August 2017 and September 2018, he coerced his mother into going to a police station, intimidated her, and pressured her to withdraw allegations against his father. He was held for a bail hearing, spent three nights in custody, and was on bail for almost two years. The judge found a violation of s. 9 of the *Charter* and granted a stay. He was arbitrarily held for a bail hearing, and it was "very much open to doubt" that he should have been charged at all. [91]

83 *Khoshaba*, *supra* at para 47.

84 *Ibid* para 50.

85 *Ibid* at para 15.

86 *Ibid* at para 47.

87 *Ibid* at para 45.

88 *Ibid* at para 48.

89 *Ibid* at para 47

90 *Al-Adhami supra* at para 78.

91 *Ibid* at para 10.

The synopsis drafted by the officer "grossly" overstated what the mother said in her police interview regarding the alleged sexual assault by her husband. There was nothing that suggested that the accused "forced" her to go to the police to recant her allegations. She never said that she "feared for her safety". Out of love for his father, the accused requested that his mother refrain from pursuing the allegations, appealing to her sympathy. The gross overstatements were in bad faith and were a failure to exercise honest judgment.[92]

The officer was on a medical leave and did not testify.

R v Sharma, 2023 ONSC 5010

> The accused challenged the stop and search of his SUV and sought to exclude the resulting firearm and drugs found by the police. The Superior Court of Justice held that the reasons for the stop and search were deliberately false and trainee officers "were ensnared in the web of false evidence."[93]

The stop occurred on March 29, 2021 and involved two police cars. Two officers in one of the police cars testified that there was a brief meeting with the two officers from the other cruiser just moments prior to the stop. The two officers from the other cruiser denied that the meeting took place. They testified that the SUV had a defective headlight.[94]

The Court held that the stop was based on a "Be on the Lookout" (BOLO) alert and lacked proper legal grounds. The SUV did not have a defective headlight. The detention was arbitrary and violated s. 9 of the *Charter*.[95]

Contrary to the officers' accounts, no marijuana was found on the driver's mat or the console, and no photographs supported the officers' account. The information underlying the BOLO was stale, related to a different vehicle, and was unsourced. The absence of notes or recollection of the pre-stop meeting was purposeful. The search of the SUV was unreasonable. The evidence of the gun and drugs were excluded.[96]

The Court stated:

> There is an element of dishonesty involved in wilful breaches of the *Charter*. In this case, that is compounded by testimonial dishonesty. [The two officers from the second cruiser] falsely disavowed knowledge of the pre-stop meeting. All four officers testified about the headlight being out and were less than forthright about their observations of cannabis in the SUV.[97]

d. Excessive force

> We identified four cases where PRP officers used excessive force.[98]
>
> In two of the four cases, the court ordered a stay of proceedings.[99] In these two cases, the court found that the use of excessive force was an act of punishment. [100] In one of the cases, the court ordered the exclusion of evidence. In that case, the Court suggested the officer intended to "inflict punitive pain."[101].

92 *Ibid.*

93 *Sharma supra* at para 82.

94 *Ibid.*

95 *Ibid.*

96 *Ibid.*

97 *Ibid* at para 84.

98 *Robinson*, *supra*; *R v Singh*, 2017 ONSC 1176 [*Singh*]; *R v Korkis*, 2023 ONSC 174 [*Korkis*]; *R v Dube*, 2024 ONCJ 105 [*Dube*].

99 *Robinson, supra*; *Korkis*, *supra*.

100 *Robinson*, *supra* at para 62; *Korkis*, *supra* at paras 50–59;

101 *Dube*, *supra* at paras 75 and 120.

As noted by the court in *R v Robinson*, where the court found that the officers' conduct amounted to "extra-judicial punishment":

> The force used by these officers against [the accused], who was handcuffed and had not resisted them, is state conduct that offends society's sense of fair play and decency. This is not a case where police officers used excessive force arresting a non-compliant suspect in tense and dynamic circumstances. No force was necessary in this case. The police officers' conduct was extra-judicial punishment, which is antithetical to the rule of law in Canada. The court must dissociate itself from it.
>
> The role played by police officers in law enforcement is critical to the maintenance of a society that respects the rule of law. As a result, society vests police officers with powers and authority that other citizens do not have. When police officers exceed their authority, and abuse their power by using excessive force against a suspect, they generate disrespect for the police generally, which threatens the rule of law.[102]

Two out of the four cases involved excessive force by multiple officers.[103]

Although decided post the data collection period of this report, the excessive force in *R v Murray* was also held to be an act of punishment. The accused was intentionally tased near his genitals. By then, he was "already out of the vehicle, down on the ground, and surrounded by six officers"[104]:

> The officer's language overall showed that he wanted to teach the [the accused] a lesson that this amount of force will be used because he did not cooperate fully. I find that at least part of the intention was to hurt the accused by tasing him in an egregious manner while he was vulnerable. [105]

<u>*R v Robinson,* 2016 ONSC 1667</u>

A summary of this case is provided earlier in this chapter as an example of Hidden Racial Profiling. The Court found that the officers contrived their rationale in trying to justify their excessive use of force against the accused that caused serious physical injuries.

<u>*R v Singh,* 2017 ONSC 1176</u>

The Superior Court of Justice concluded that the accused was subjected to post-arrest excessive force by two PRP officers on January 27, 2012 when the accused was pulled from his vehicle and dragged to a police car.[106]

102 *Robinson*, *supra* at paras 62 and 63.

103 *Dube, supra*; *Robinson*, *supra.*

104 *Murray*, supra at para 272.

105 *Ibid*, at para 273

106 *Singh supra.*

The officers believed the accused was involved in a drug deal. The officers followed the accused's SUV to a driveway, approached his SUV on foot, knocked on the window, displayed their badges and instructed the accused to exit. The accused reversed his SUV down the driveway, hitting one officer with the right exterior mirror, but the officer was not injured.[107]

The other officer, fearing for the safety of the officer who was hit, fired a shot that entered the accused's SUV. Although the accused was "rendered an incomplete paraplegic", the Court did not find this to be an incident of excessive force. Rather, the Court held what followed amounted to excessive force:

> To pull the accused from his vehicle and put him on the ground given his wounds was an excessive display of force. The attempt to drag the accused to a police car and their attempt of placing the accused in the back seat was another example of excessive force. [108]

A stay was not granted, but the excessive force was to be accounted for in sentencing. The accused was found guilty of drug possession charges. [109]

R v Korkis, 2023 ONSC 174

The Superior Court of Justice found that a PRP officer assaulted the accused, in violation of s. 7 (right to life, liberty and security of the person) and s. 12 (cruel and unusual punishment) of the *Charter,* when the officer held down the accused and slapped the accused three times across face while the accused was handcuffed to the hospital bed in December 2019:

> [The accused] was in pain and suffering from a broken leg, the result of a gunshot wound. He was awaiting surgery as the bullet needed to be removed and the leg repaired. The applicant, while guilty of provoking the officer, was helpless, vulnerable and could not defend himself. The officer took advantage of the applicant's situation. Provocation was not excuse. There was no justification for what occurred.[110]

The accused was assaulted in the presence of another officer. The judge suggested that the assaulting officer colluded with the other officer prior to testifying.[111]

Prior to his arrival at the hospital, the accused was alleged to have pulled a gun, stole a puppy and fled the scene on foot. When fleeing the scene, the accused accidentally shot himself in the leg. An ambulance was called, and the accused was arrested and given his rights to counsel and cautioned.[112]

The Court also held that the accused's s. 10(b) rights were breached when the accused was not allowed to retain and instruct a lawyer without delay. A stay was granted.[113]

R v Dube, 2024 ONCJ 105

> The Court of Justice found that PRP officers used excessive during the accused's March, 2022 arrest in violation of s. 7 of the *Charter*. This included hard knee strikes, multiple baton strikes to the back, and tasering the accused while he was largely cooperative, on the ground and completed handcuffed on his left hand and partially handcuffed on his right. However, it did not find that there was racial bias.[114]

107 *Ibid.*

108 *Ibid* at para 1411.

109 *Ibid.*

110 *Korkis*, *supra* at para 87.

111 *Ibid*, at para 411.

112 *Ibid*, at paras 2 and 3.

113 *Ibid.*

114 *Dube, supra.*

The accused, a Black man, was stopped for suspected impaired driving following a report of a swerving car. The accused initially refused to exit his vehicle and was confrontational with officers. After exiting his car, the accused was largely cooperative.[115]

At no point did the accuse "assault or threaten to assault the officers and any resistance he gave was minor and brief... None of [the accused's] actions justified the use of the significant force in the form of knee strikes, baton strikes and tasering which was used against him by police."[116] Furthermore, "the breaking of the driver's side glass window spraying glass into [the accused's] face without a proper warning showed a reckless indifference to the physical well-being of [the accused]."[117]

The Court excluded the breath sample evidence and the officers' observations of potential impairment.[118]

e. Unlawful strip searches

We identified seven criminal court decisions where a violation of s. 8 of the *Charter* was found due to PRP officers conducting unreasonable strip searches.[119]

Of these seven cases, four involved a female accused, and three involved a male accused. [120] In three of the four cases involving a female accused, the strip searches were conducted in the presence of male officers[121], or in rooms with the door left open where male officers were nearby,[122] further exacerbating the seriousness of the invasion of privacy and seriousness of the *Charter* breach.

In five of the seven cases, the Courts found that police conducted strip searches without reasonable grounds.[123] In five of the seven cases, evidence was excluded.[124] In one of the seven cases, the court directed that the *Charter* breach be treated as a mitigating factor at sentencing should the accused be convicted.[125]

115 *Ibid.*

116 *Ibid*, at para 68.

117 *Ibid* at para 71.

118 *Ibid.*

119 *R v D'Andrade*, 2016 ONCJ 12 [*D'Andrade*] ; *R v Desroisers*, 2017 ONCJ 80 [*Desroisers*] ; *R v Beckford-Johnson*, 2018 OJ No 2434 [*Beckford-Johnson*]; *R v Klotz*, 2017 ONCJ 543 [*Klotz*]; *R v Burke-Whittaker*, 2018 ONSC 2976; *R v Camargo*, 2018 ONCJ 739 [*Camargo*]; *R v Owusu*, 2023 ONCJ 568 [*Owusu*].

120 *D'Andrade ibid*; *Desrosiers, ibid*; *Klotz ibid*, *Beckford-Johnson, ibid.*

121 *D'Andrade, ibid* at para 63; Beckford-Johnson, *ibid* at para 28.

122 Desrosiers, *supra* at para 228.

123 *D'Andrade*, *supra*; *Desrosiers*, *ibid*; *Klotz*, *supra*; *Burke-Whittaker, supra*; *Camargo*, *supra.*

124 *D'Andrade*, *supra* at para 98; *Desrosiers*, *supra* at paras 224-230 ; *Klotz*, *supra* at paras 42-44; *Beckford-Johnson*, *supra* at paras 74-84; *Camargo, supra* at paras 37-41

125 *Burke-Whittaker, supra* at para 78.

CASES

R v D'Andrade, 2016 ONCJ 12

In *R v D'Andrade*, the Ontario Court of Justice excluded highly reliable breath test results after finding that police subjected a female accused to a "humiliating, degrading and traumatic" strip search, amounting to a serious s. 8 *Charter* breach."[126]

On December 7, 2014, two male officers stopped the female accused's vehicle after they saw her swerving on the road. After she failed a roadside breath test, a female officer arrested her and conducted a pat down search. She did not find anything on her person that could have posed a danger. Despite this, the female officer – without warning – unzipped the accused's tight-fitting sweater, exposing her breasts in a completely see through bra. The Court found that there were no visible bulges suggesting hidden objects, and the strip search was "certainly not going to reveal evidence of an excessive blood alcohol concentration."[127] The officer's evidence of the dangers of possible secreted objects under the accused's sweater had "no air of reality" and the officer agreed that a pat down search would have sufficed.[128]

Both male officers claimed that they did not see the strip search. However, the Court questioned the veracity of their testimonies. One of the male officers' evidence about where he was during the search was "contradictory, rambling, evasive and not credible."[129] The other senior male officer's failure to recall where he was during the search was described as "convenient" and "suspicious."[128] Neither officer's testimony was accepted in this regard and the Court found that both male officers were facing the accused when her breasts were exposed.

The Court classified the police conduct as careless and a serious invasion of privacy.[131] The gravity of the *Charter* violation and its impact on the accused warranted exclusion of the evidence, resulting in dismissal of the charge.

R v Desrosiers, 2017 ONCJ 80

In *R v Desrosiers,* the Ontario Court of Justice excluded crack cocaine from evidence after the Court found the PRP officers conducted a fishing expedition to find evidence of illegal drug activity and subjected the female accused to an insensitive strip search. The officers conduct amounted to a very serious violation of the accused's ss. 8 and 9 *Charter* rights.[132]

The female accused was a passenger in a van that was stopped by three officers in a parking lot known for illegal activity. The officers claimed that they were suspicious of drug activity. However, the Court found that the officers based their suspicion solely on a "hunch" after seeing a known prostitute and user of cocaine enter the van. No crime had been reported nor had the officers seen anything that would have given rise to a reasonable belief that a crime was being committed. The Court rejected the officers' claim that they saw and smelled marijuana before searching the vehicle, finding their testimony contradictory and problematic. Instead, the Court concluded the officers engaged in a fishing expedition when searching the vehicle, and that is how they found the marijuana.[133]

126 *D'Andrade, ibid* at para 93.

127 *Ibid* at para 86.

128 *Ibid* at para 88.

129 *Ibid* at para 62.

130 *Ibid.*

131 *Ibid*, at para 93.

132 *Desrosiers, supra* at para 225.

133 *Ibid.*

The officer who conducted the strip search testified that it was "Peel Police procedure" to require all people arrested for a drug offence to be strip searched[134] despite that there was no evidence to think that the accused would have any further substances on her person. The Court found that the officers were acting on hunches, and that this was the problem with the procedural directive described by the officer.[135] Although the strip search was conducted in a room with one officer, the door was left open while three male officers stood nearby talking and laughing.

The Court found the ss. 8 and 9 breaches were grave and egregious, stating it "...cannot allow mere hunches to justify such a serious intrusion on the right of citizens in our society to be free from police action that is aimed at shaking them down to see if they are perhaps engaged in illegal activity."[136] The evidence was excluded, and the charges were dismissed.

R v Klotz, 2017 ONCJ 543

In *R v Klotz*, the Ontario Court of Justice excluded breath tests after the female accused was subjected to an unreasonable strip search, denied her right to counsel of choice, and unreasonable detained in the back of the police cruiser. The Court held that her ss. 8, 9 and 10 *Charter* rights were breached.

On September 30, 2016, the female accused was stopped at a RIDE check and arrested after failing a roadside screening test. The Court found the way the test was administered was unreasonable, as it was conducted in the back of a cruiser on a busy roadside when safer, less restrictive options existed. The officer also seized the accused's cell phone, admitting that he knew he had no authority to do so, but that this was his usual practice when investigating drivers without photo identification. [137]

The officer further breached the accused's right to counsel of choice by telling her that duty counsel was her only option. At the station, an officer required the accused to remove her clothing and shake her bra out to show that she had nothing concealed in it, exposing her breasts, contrary to PRP rules regarding strip searches and well-established law.[138]

The Court noted that the breaches of ss. 9 and 10 alone may not have justified excluding the breath tests, but the cumulative effect of all three breaches revealed a "pattern of *Charter* infringing state conduct" which rendered the police behaviour more serious and significantly impacted the accused's personal integrity.[139] The exclusion of evidence resulted in the accused's acquittal.

134 *Ibid* at para 37.

135 *Ibid* at para 201.

136 *Ibid* at para 225.

137 *Klotz supra*, at para 38.

138 *Ibid* at para 42.

139 *Ibid* at 38.

R v Burke-Whittaker, 2018 ONSC 2976

In *R v Burke-Whittaker*, the Superior Court found that the male accused was subjected to an improperly authorized strip search, violating his s. 8 *Charter* right, and strongly recommended imposing a reduction in sentence.[140]

On January 26, 2017, PRP officers claimed to have observed a drug transaction involving the accused. The officers first searched the customer, finding a small amount of crack. They then pat-down searched the accused, and found seven $20 bills in his wallet, confirming his identity via his driver's license. He was arrested and brought to the police station. The accused denied that any drug transaction took place.

One of the officer's testified that, at the station, he advised the Staff Sergeant of the grounds for the strip search; citing the locations reputation for drug activity, the accused's interaction with a known drug user, the hand-to-hand transaction, and the customers reaction when police approached. The second officer testified that he did not speak to the Staff Sergeant before the authorization was given. The Staff Sergeant gave a markedly different account regarding the authorization. He claimed he could not recall which officer spoke to him but that he was told the strip search was necessary because the accused was known for selling drugs and known for hiding drugs on his body. The Staff Sergeant noted that some of this information may have been obtained from police databases and conceded that there was no concern about weapons or safety in the circumstances. The divergence between these accounts rendered both explanations unreliable.[141]

The Court found that the strip search was conducted appropriately. However, the failure of the police to record a clear and justifiable concern to authorize the strip search made the search unreasonable and violated the accused's s. 8 *Charter* rights. The Court emphasized that "the police have an onus to clearly and properly document the reasons for the authorization for the strip search."[142] Although a stay of proceedings was not warranted as a remedy, the Court directed that it's finding of a *Charter* breach should be treated as a mitigating factor at sentencing.

R v Beckford-Johnson, [2018] OJ No 2434

In *R v Beckford-Johnson*, the Ontario Court of Justice excluded evidence after finding that the PRP conducted an unreasonable strip search and interfered with the female accused's right to counsel.

On August 4, 2015, following a physical altercation between the accused and another woman, both parties called police. When the officer identified the accused as the alleged assailant, the officer conducted a pat down search of her person, searching for scissors that were allegedly used during the incident. However, the search crossed the line into a strip search when he lifted the accused's bra from her torso to see if anything would drop out. This was done in the presence of two other male officers, and no weapon was found. The Court held that this search was more intrusive than necessary and therefore unreasonable.[143] The officer also failed to caution or advise the accused of her right to counsel while she was under investigative detention, which contributed to the unreasonableness of the strip search.

The Court noted that the strip search was upsetting to the accused, and "clearly objectionable to the court."[144] The denial of her right to speak with counsel in private was described as "unfortunate," though police expressed remorse for this occurrence.[145] The evidence excluded included utterances made by the accused to officers during the strip search, and portions of her conversation with duty counsel that were overheard, recorded or videotaped.

140 *Burke-Whittaker, supra* at para 78.

141 *Ibid* at para 71.

142 *Ibid.*

143 *Beckford-Johnson, supra* at para 25.

144 *Ibid* at para 74.

145 *Ibid.*

R v Camargo, 2018 ONCJ 739

In *R v Camargo*, the Ontario Court of Justice excluded breath test evidence after finding the PRP conducted an unjustified strip search, amounting to a very serious s. 8 *Charter* breach.[146]

The male accused was charged with impaired driving with excess blood alcohol after he struck a street sign near his home. The officer found the accused moving his car back and forth in the driveway, unsteady on his feet and smelling of alcohol. The accused was arrested and taken for breath testing. During the booking, he was asked to remove his undershirt and bracelets, one of which was cut off. He was also taken into a private room where he was asked to pull down his shorts, exposing his underwear.

The Court found there was no reasonable grounds to justify the strip search. The accused was wearing a soccer jersey with a sleeveless undershirt. Removing both layers left him partially exposed, which was unnecessary in the circumstances. Likewise, the removal and destruction of his thread bracelets was unjustified, as they posed no safety risk and could have easily been inspected. The Court found that the officers rigidly applied PRP policy that required removal of jewellery in these circumstances.[147]

The Court concluded that the strip search amounted to a grave and serious breach of the accused's s. 8 rights. Given the seriousness of the privacy violation, the evidence was excluded under s. 24(2) and the over-80 charge was dismissed.

R v Owusu, 2023 ONCJ 568

In *R v Owusu*, the Ontario Court of Justice found that a videotaped strip search violated the male accused's ss. 7 and 8 *Charter* rights, though the evidence was not excluded.[148]

On October 8, 2022, two PRP officers were patrolling a parking lot that, in their experience, was known for illicit drug activity. They testified that as they drove behind the accused's car, they detected the smell of marijuana despite the cruiser windows being closed, and saw smoke and two occupants inside. The officers approached the vehicle and saw the accused with a lit marijuana cigarette in his right hand. After a struggle with the officers during which the accused attempted to flee and was tasered, the accused was arrested.

At the police station, the acting Staff Sergeant authorized a search of the accused and directed the officers to keep their body-worn cameras on while in the station, though he acknowledged at trial the cameras should have been deactivated at the time of the search.[147] The cameras captured the accused removing his pants, and the shorts beneath them. Once down to his boxer briefs, and while still wearing a t-shirt, the officers scanned the outside of his clothing with a metal detecting wand. The wand signaled the presence of metal around the accused's waist. At this point, the Staff Sergeant told the searching officers and the accused that he was now authorizing a strip search and instructed the accused to drop his boxer briefs.[150]

The Court found that the creation of an audio and video record can have the effect of permanently documenting and perpetuating the inherent humiliation that results from being subjected to a strip search. The Court noted that the lack of knowledge displayed by the acting Staff Sergeant, who had 24 years' experience in the service, regarding what constituted a strip search was concerning.[151] However, the Court accepted that the recording was inadvertent, and the officers could be excused for failing to deactivate their cameras while dealing with an agitated, distracted and non-compliant detainee. The ss. 7 and 8 breaches were recognized, but the evidence was admitted.

146 *Camargo, supra* at para 37.

147 *Ibid* at para 25.

148 *Owusu, supra* at para 116.

149 *Ibid* at para 92.

150 *Ibid* at para 96.

151 *Ibid* at paras 90 and 104.

II. SYSTEMIC ISSUES

Systemic issues explicitly identified by judges

In several of the cases in our dataset, systemic issues were explicitly identified by judges regarding the PRP. These issues include:

1. Racial profiling
2. Lack of privacy when accused use the toilet in holding cells
3. Overholding accused in holding cells based on non-residency and in the context of drinking and driving cases
4. Lack of accommodation for hearing impaired accused to exercise their right to counsel in custody in 12 Division
5. Muting body camera audio during discussions between officers and failing to audio record the booking hall procedure when accused are brought into the station
6. Lack of a check system to ensure compliance with reporting requirements regarding seizure of property
7. Lack of training on searches under the *Cannabis Control Act*
8. Failure to advise accused of their right to counsel immediately upon detention or arrest
9. Failure to respect the right to counsel of choice

Potential systemic issues

Our analysis of cases also suggests that there may be systemic issues regarding police lying or providing false testimony; excessive use of force; unlawful strip searches and unreasonable searches in relation to child pornography.

Racial profiling

According to the Superior Court of Justice in its 2025 decision in *R v Cameron*, "case law shows that racial profiling is a systemic and intractable problem within the Peel Regional Police."[152]

Lack of privacy when accused use the toilet in holding cells

In *R v Wijesuriya*,[153] the Court of Justice found that the PRP officer's in-person monitoring of the female accused while she used the toilet in custody in June 2016—without offering any privacy safeguards or reasonable justification—constituted a serious breach of her s. 8 *Charter* rights.

The officer was following her training, which established this was a systemic problem, despite established case-law clearly prohibiting such conduct for short-term detainees:

> The fact that the uncontested evidence was that the officer said she was following her training when she viewed and monitored [the accused] on two occasions when she used the toilet establishes that the problem is a systemic one... Following the Mok line of cases, the Peel Regional Police should have ensured that in the absence of specific and justifiable reasons for doing so in a given case, officers were trained not to view prisoners in short-term custody while they use the toilet without giving them an opportunity to cover themselves with a gown or a blanket at a minimum. Peel Regional Police's failure to do so signals a systemic training problem and a lack of good faith.[154]

152 *Cameron*, *supra* 2025 ONSC 2621 at para 8.

153 *R v Wijesuriya*, [2018] OJ No 1726 (CJ).

154 *Ibid* at paras 43 and 44.

When the accused's privacy concerns were raised with another officer, he dismissed them, which exacerbated the breaches.

It is unclear why cell masking was not discussed in the *R v Wijesuriya* case, which occurred in 2016, two years after cell masking was implemented. In 2014, the PRP implemented "cell masking" to balance security concerns with privacy rights in the context of video recording of accused using the toilet. Cell masking uses an opaque square to block out parts of a person's body when using the toilet. This was sufficient from a *Charter* standpoint in *R v Beckford-Johnson.*[155] However, the Superior Court of Justice recommended additional actions:

> I would recommend that better signage in plain, visible language be placed not only in the booking room but also in the cell area visible to all cells. This signage should tell the occupants that the entire cell is being monitored by a closed circuit television camera and that all movement is being videotaped, including those times when people use the toilets. I further recommend that people be given a modesty paper gown to use when going to the toilet, much like those protections discussed in *R. v. McLaren,* [2015] O.J. No. 6412.[156]

Overholding accused in holding cells based on non-residency and in the context of drinking and driving cases

Overholding is the failure to release an accused from a holding cell without reasonable grounds to continue to hold them, after the accused was arrested without a warrant.

In *R v Provo,* the failure to release individuals from the police station on the grounds of non-residency alone (the accused was from Michigan and in Canada on business) was determined to be a standard practice of the PRP in 2013[157], which violated the accused's s. 9 right to free from arbitrary detention. According to the Court of Justice, it also seemed to be a systemic problem in Ontario as were "several cases where the same erroneous approach appears to have been taken by Ontario police forces."[158]

155 *Beckford-Johnson*, *supra.*

156 *Ibid* at para 73.

157 *R v Provo*, [2015] OJ No 2950 at para 36.

158 *Ibid* at paras 38, 49 and 62.

In *R v Lorenzo*, the accused was placed in a holding cell in 2015 for an additional six hours after an arrest for "driving over 80" (i.e. a blood alcohol concentration of over 80 milligrams of alcohol per 100 milliliters of blood). The Court Justice stated that overholding accused in holding cells in the context of drinking and driving cases, in violation of s. 9 of *Charter*, continued to occur despite judicial condemnation. This rendered the *Charter* breach more serious:

> The issues surrounding overholding are not new or novel in cases involving Peel Regional Police. I refer to this police service specifically, as opposed to the entire Peel region covered by this court, because I am unaware of any cases of a similar nature involving the Ontario Provincial Police, who also bring many similar drinking and driving cases before the court in Peel.
>
> ...
>
> One of the other cases involving a s. 9 breach for overholding by Peel Regional Police is R. v. Cheema, [2016] O.J. No. 1787. I adopt the words of Schreck J. in that case, at paragraph 16, regarding the history of this issue and thereafter its effect on the seriousness of the breach.
>
> In addition to this, it appears that a s. 9 breach resulting from "overholding" is not a unique occurrence in this jurisdiction: R. v. Mazzuchin, [2016] O.J. No. 371 (C.J.) at para. 93; R. v. Corbassen, [2015] O.J. No. 5298 (C.J.) at paras. 11-16; R. v. Pogson, [2015] O.J. No. 268 (C.J.) at para. 261; R. v. DeLima, [2010] O.J. No. 2673 (C.J.) at para. 29; R. v. Dunn, [2009] O.J. No. 6296 (C.J.) at para. 8; R. v. Owen, [2001] O.J. No. 6334 (C.J.) at paras. 16-17; R. v. Ewert (unreported, April 15, 1999, Ont. C.J.); R. v. Price, supra. The fact that this type of conduct continues to occur despite repeated judicial disapprobation also renders the breach more serious: R. v. Harrison, supra [[2009] 2 S.C.R. 494] at para. 25.)[159]

In the 2020 decision of *R v Brar,* the Superior Court of Justice acknowledged that Peel Regional Police Directives mandated consideration of blood alcohol level and other factors in assessing the need for continued detention. However, "the problem here is the complete lack of evidence that either [the officer], or anyone else, gave any thought whatsoever to the appellant's continued detention over this period". Thus, the court held that the trial judge was correct in finding that the accused was subjected to an arbitrary detention, in violation of s. 9 of the *Charter*.[160]

159 *R v Lorenzo*, 2016 ONCJ 634 at paras 28-30.

160 *R v Brar*, 2020 ONSC 4740 at paras 36-45.

Lack of accommodation for hearing impaired accused to exercise their right to counsel in custody in 12 Division

In *R v Tomaszewicz*, the Court of Justice determined that the PRP failed to provide a hearing-impaired accused with adequate means to effectively communicate with duty counsel by phone in 2023, which violated s. the s. 10(b) right to counsel. The PRP lacked specialized equipment, training, and policies to accommodate hearing impaired accused in custody. This appeared to be a "systemic issue within 12 Division of the Peel Regional Police, as no equipment, such as Teletypewriter Phones (TTY) or other specialized telecommunication devices, was provided to the Applicant to facilitate effective communication with Duty Counsel."[161]

Muting body camera audio during discussions between officers and the failing to audio record the booking hall procedure

The Court of Justice found two systemic issues in *R v Diaz*, when an accused was charged with impaired driving and "driving over 80" (i.e. a blood alcohol concentration of over 80 milligrams of alcohol per 100 milliliters of blood) in 2022:

> The failure to keep the audio on her body worn camera on in the booking hall, coupled with what appears to be a systemic decision to mute audio when discussions between officers are occurring.[162]
>
> The failure to audio record the booking hall procedure in Peel police stations. This is an ongoing problem that appears systemic, and flies in the face of decades of higher authority such as R. v. Moore-McFarlane, [2001] O.J. No. 4646.[163]
>
> ...
>
> As a result, just as I find it troubling that [Officer 1] asked that [Officer 2's] camera be muted on the roadside, I find it unfortunate that [Officer 3's] apparent interaction with [the accused] in the booking hall was not captured.[164]

The officer stated the policy in the early days of body worn camera deployment was to mute during discussions between officers. The officer further stated that this is no longer the case.[165]

Lack of a check system to ensure compliance with reporting requirements regarding seizure of property

In *R v Johnson-Phillips*, the Superior Court of Justice was "troubled by the failure of the [Peel Regional Police] to implement a check system to ensure compliance with the reporting requirements" in relation to seizure of property.[166] This put the "seriousness" of the breach of s. 8 of the *Charter* (i.e. an unreasonable search) "in the middle of the spectrum."[167] The case included the seizure of cell phones in 2018 in the context of a murder investigation. "[T]he failure to report resulted in the cell phones being in police custody, and subject to search and extraction of data, without any judicial oversight for two and a half years,"[168]

161 *R v Tomaszewicz*, 2024 ONCJ 661 at paras 124–126.

162 *R v Diaz*, [2024] OJ No 3807 at para 57 [*Diaz*].

163 *Ibid*; See also *R v Husnain*, [2022] OJ No 3651 at para 17 [*Husnain*].

164 *Supra, Diaz* at para 41.

165 *Ibid.*

166 *R v Johnson-Phillips*, [2023] OJ No 5366 at para 217.

167 *Ibid* at para 218.

168 *Ibid* at para 213.

Lack of training on searches under the *Cannabis Control Act*

In *R v Osman,* the PRP conducted an unlawful search of the accused's car during its annual Festive R.I.D.E. campaign in December 2020, in violation of s. 8 of the *Charter*. PRP believed that the "smell of raw cannabis alone justified a search under the *Cannabis Control Act*."[169] The Superior Court of Justice pointed to a potential lack of training:

> There seems to be a lack of training about the search power under the *Cannabis Control Act* in the Peel Police that contributed to this problem. It's hard to understand how the police could know that they can't rely on the smell of burnt cannabis alone, because the smell lingers, but believe they can rely on the smell of raw cannabis alone, even though the smell lingers. An "institutional or systemic *Charter* breach" is more serious than "an isolated incident". See R v GTD, 2017 ABCA 274, at para 84, rev'd by 2018 SCC 7, endorsing the dissent.[170]

The Court also pointed to a potential lack of training on the right to counsel during roadside stops.[171]

169 *R v Osman*, 2023 ONSC 7087 at para 69.

170 *Ibid.*

171 *Ibid* at para 70.

172 *R v Thomspon*, 2020 ONCA 264

Failure to advise accused of their right to counsel immediately upon detention or arrest

In *R v Thompson,*[172] the Court of Appeal determined that the accused's rights under s. 9 (arbitrary detention or arrest) and 10(b) (right to counsel) were violated in 2016. Like the trial judge, the Court of Appeal concluded there was systemic problem with PRP delaying the right to counsel, which made the s. 10(b) violation serious:

> Worse still, the breach of s. 10(b) is rooted in a systemic disregard by the Peel Regional Police for their constitutional obligations. The trial judge himself found the breach of s. 10(b) to be "fairly serious" and highlighted a "chronic problem" with the Peel Regional Police and its officers believing that the right to counsel need be given only "as soon as practicable". In support of this observation he referred to the comments of Schreck J. in R. v. Sandhu, 2017 ONCJ 226, 378 C.R.R. (2d) 306, at paras. 8-11. It is worth quoting Schreck J.'s comments at length given the serious systemic concerns he highlighted, at paras. 9-11
>
> ...
>
> These concerns, expressed by a very experienced and well-respected jurist in this jurisdiction, apparently remain unheeded as in this case, an officer with almost 10 years of experience still does not appreciate that the right to counsel has to be provided immediately. This appears to be a systemic problem, which renders the breach more serious: R. v. Harrison, 2009 SCC 34 at para. 25.
>
> Since Schreck J. wrote these words, there have been even more instances of the Peel Regional Police failing to respect their obligation to inform a detainee of the right to counsel immediately, underscoring that this is an ongoing systemic problem: see, for example, R. v. Kou, 2019 ONCJ 966, at paras. 26-32; R. v. Gordon, 2018 ONSC 1297, at paras 49-54; R. v. Bullock, 2018 ONCJ 598, 418 C.R.R. (2d) 299, at paras. 59-66; R. v. Lima, 2017 ONSC 2224, 379 C.R.R. (2d) 1, at paras. 34-37; R. v. Christopoulos, 2017 ONCJ 845, at paras. 21-24; R. v. Paskaran, 2017 ONCJ 696, 394 C.R.R. (2d) 340, at paras. 10, 17, 19; R. v. Williams, [2017] O.J. No. 5787 (C.J.), at paras. 55-60, 67; and R. v. Simpson, 2017 ONCJ 321, 383 C.R.R. (2d) 134, at paras. 24-26.
>
> To be clear, I do not wish to single out the individual officers here for blame. Neither of them appears to have intentionally breached s. 10(b) and both were relatively inexperienced officers who appear to have been following their training. The issue, rather, is institutional and systemic. It is, as the trial judge noted, a "chronic problem" with the Peel Regional Police force breaching their clear and well-settled constitutional obligations under s. 10(b).[173]

Despite the Court of Appeal's holding that the breach of s. 10(b) was rooted in a "systemic disregard by the PRP for their constitutional obligations", the systemic problem appears to remain. In *Murray*, a case decided after our data collection period, the Superior Court of Justice held that none of the six officers present in an incident in 2022[174]:

> [E]ven attempted to tell the [accused] the reasons for his detention or provide rights to counsel and caution. The officers' evidence about why none of them gave him his fundamental ss. 7, 9 and 10 *Charter* rights is not credible. It demonstrates that they are either colluding or all making the same grievous deliberate errors, indicative of a systemic problem.

173 *Ibid* at paras 92–94.

174 *Murray*, *supra* at paras 245–255; See also *R v Aujla*, 2021 ONSC 2417.

Failure to respect the right to counsel of choice

Police cannot interfere with the detainee's right to a reasonable opportunity to contact counsel of choice. In *R v Jhite*, the Superior Court of Justice held that the PRP violated this right of an accused under s. 10(b) in 2019. It stated there was a "a long list of recently reported cases demonstrates a troubling pattern of the police failing to respect the constitutional right to counsel of choice":

> Equally concerning is its persistence despite nearly two decades having passed since Durno J.'s decision in Kumarasamy, which also involved the Peel Regional Police.
>
> These decisions suggest that what occurred during this investigation is not, unfortunately, an isolated occurrence. This case is reflective of what appears to be a systemic problem.[175]

Two other more recent cases are in line with the same systemic concerns.[176]

Police lying or providing false testimony

Several of the above-noted cases signal that there may be systemic issues in relation to PRP officers lying or providing false testimony. As noted above, we identified six cases where officers lied or provided false testimony. Four out of the six cases involved multiple officers lying or providing false testimony. Noble cause corruption may help partially explain this deceptive conduct, which may be indicative of aspects of police culture, where officers seek to mask their misconduct as legitimate to promote public safety.[177]

Excessive force

There may be a systemic issue in relation to PRP excessive force. As noted above, we identified four cases where officers used excessive force against accused individuals. Two of these cases were considered as officer acts of extra-judicial punishment, and the judge made the same suggestion in the third decision. Two out of the four cases involved excessive force by multiple officers. Finally, although decided post the data collection period of this report, the excessive force in *R v Murray* was also held to be an act of punishment.

Like police lying or providing false testimony, noble cause corruption may help partially explain this deceptive conduct, which may be indicative of aspects of police culture. Furthermore, published criminal court decisions with findings of violations of the *Charter* due to excessive force likely underestimate instances of excessive force by police. This is because published criminal court decisions do not include withdrawals of cases by Crown Prosecutors, police conduct that did not result in charges against accused or unpublished decisions.[178]

Unlawful strip searches

There may be systemic issues in relation to unlawful strip searches. As noted above, we identified seven criminal judgments where a violation of s. 8 of the *Charter* was found due to police conducting unreasonable strip searches.

175 *R v Jhite*, 2021 ONSC 3036 at paras 91–92.

176 *Husnain*, *supra*; *R v Quinless*, 2025 ONCJ 94.

177 See Chapter 2 – Literature Review,

178 See Chapter 1 – Introduction and Appendix 1 – Methodology.

In five of the seven cases, the Courts found that PRP conducted strip searches without reasonable grounds.[179] In three of those five, the courts found that officers relied on blanket policies or routine practices that encouraged unconstitutional searches.[180] These included: following standard booking procedures without assessing the necessity of a strip search,[181] requiring all drug arrestees to be searched, [182] and rigidly applying policies that resulted in unnecessarily stripping extra clothing, shaking out undergarments, and removing all jewellery.[183] This suggests there may be a systemic misunderstanding of what constitutes "reasonable grounds" to justify a strip search amongst PRP officers. In addition, in one of the seven cases, the Court was concerned by the lack of knowledge of an acting Staff Sergeant, with 24 years of service, regarding what constituted a strip search.[184]

Furthermore, in *Breaking the Golden Rule,* the Law Enforcement Complaints agency (then Office of the Independent Police Review Director) identified 14 reported unconstitutional strip search cases decided between 2002 and 2018 involving the PRP[185]. Many of these cases are in our dataset. The 14 cases were also the second highest number of cases in Ontario, following cases involving the Toronto Police Service.

Unreasonable searches when investigating alleged child pornography

There may be systemic issues when the Peel Regional Police are investigating alleged possession of child pornography. The cases reveal troubling concerns about systemic deficiencies in PRP investigations of alleged child pornography, highlighting how police overreach and disregard for *Charter* safeguards have undermined the integrity of prosecutions.

> The research demonstrates that in five cases, otherwise reliable evidence of child pornography was excluded after Courts found that unreasonable searches violated section 8 of the *Charter* [186]. This points to a grave systemic failure: prosecutions involving the sexual exploitation of children are collapsing not because allegations lack seriousness or evidentiary foundation, but because PRP investigations have overstepped or misstepped, and breached fundamental *Charter* rights. This is a critical issue related to public confidence in this justice system and public safety.

179 *D'Andrade supra*; *Desrosiers supra*; *Klotz*, *supra*; *Burke-Whittaker, supra*; *Camargo*, *supra*.

180 *Camargo, supra*; *Desrosiers*, *ibid*; *Klotz, ibid*.

181 *Camargo, ibid* at para 16.

182 *Desrosier, supra* at para 193.

183 *Klotz*, *supra* at paras 18 and 34*; Camargo, supra* at para 22.

184 *Owusu*, *supra* at paras 90 and 104.

185 Office of the Independent Police Review Director, *Breaking the Golden Rule: A Review of Police Strip Searches in Ontario* (Toronto, Office of the Independent Police Review Director, 2019) at 36.

186 *R v Naess*, 2022 ONSC 6490 [*Naess*]; *R v Owen*, [2017] OJ No 5755 [*Owen #1*], 2017 OJ No 5766 [*Owen #2*]; *R v Nguyen*, [2017] OJ No 1327 [*Nguyen #1*], [2017] OJ No 1896 [*Nguyen #2*]; *R v Wichert*, [2015] OJ No 6607 [*Wichert*]; *R v MS*, [2015] OJ No 3086 [*MS*]. See also: *R v Neil*, [2018] OJ No 7024 at para 88 where the Ontario Court of Justice found that an officer violated the accused's s. 8 rights in relation to a child pornography investigation, but did not exclude the evidence.

Judges raised issues about officer negligence, carelessness, deliberate conduct, or unfamiliarity with the law in relation to a number of cases involving child pornography. *R v Naess* and *R v Owen* involved police negligence or carelessness regarding the warrant process.[187] *R v Naess* also involved police deliberating exceeding the scope the of warrant.[188] *R v Wichert* involved police ignoring the ruling of a judge and seizing a CD not listed in the warrant.[189] *R v MS* involved police searching hard drives that they knew had been obtained unlawfully.[190] Finally, *R v Nguyen* involved police unfamiliarity with the law and a serious oversight on the part of the searching officer.[191]

In *R v Naess*,[192] the Canada Border Services Agency seized a package as suspected child pornography in May of 2019. It contained a doll and was addressed to a Peel home. The doll appeared to be silicone, weighed 35 lbs, and was 2.2 feet in height. The doll appeared female with the likeness of a toddler. It had hair painted on its head. Although the doll lacked developed hips or breasts, it had budding breasts and nipples. The vagina and labia were clearly defined, but there were no openings constructed into the doll.

The accused had three previous convictions of sexual assault. "Some of the underlying facts concerning [the accused's] prior involvement with the criminal justice system strongly suggested he had a sexual interest in children."[193] In May of 2019, PRP obtained a search warrant for the address and executed a "controlled delivery"[194] of the doll where an officer pretended to be a delivery person, followed by a search that led to the discovery of child pornography on a computer.

The Superior Court of Justice found a breach of the accused's right to be free from unreasonable search and seizure under s. 8 of the *Charter*. First, the controlled delivery was conducted without judicial authorization – PRP had only obtained a conventional search warrant that did not permit this investigative technique. This was described as a negligent *Charter* breach. Second, the warrant issued by the Justice of the Peace limited the search to the basement apartment and computer with entry only authorized through the south-facing exterior door. The police exceeded that scope. The police entered the house through the front door and conducted a "safety search" of the entire house. Third, the police entered and searched the garage without legal authority. The second and third were described as deliberate breaches of the *Charter.*[195]

187 *Naess*, *ibid* at paras 112, 123–125; *Owen ibid* at para 164.

188 *Naess*, *supra* at paras 112, 123–125

189 *Wichert*, *supra* at para 181.

190 *MS*, *supra* at para 23.

191 *Nguyen*, *supra* at paras 16 and 19.

192 *Naess*, *supra* at paras 5–10

193 *Ibid* at para 15

194 *Ibid* at para 96. The Court described a controlled delivery as follows: The entire point of a controlled delivery is to obtain incriminating evidence against an occupant. Through the ruse of an undercover police officer, posing as a courier or postal worker, delivering a package containing contraband, the police aim to identify the occupant who will accept delivery. In cases where the Crown must prove the identity of the person responsible for importing contraband or conspiring to import or possess it, that evidence can often be crucial to the prosecution's case.

195 *Ibid.*

Among other things, evidence about the controlled delivery, child pornography found on the accused's computer, the use of the computer to visit a website that had the same doll for sale and described it as a sex doll, were excluded from the evidence.[196]

In *R v Owen*,[197] PRP investigated child pornography downloads on the "Freenet" peer-to-peer network. They obtained a production order for subscriber information from Teksavvy, an internet service provider (ISP) linking the IP address to the accused's father's home. A search warrant was then executed at that residence in April 2015, where several electronic devices were seized. The accused was arrested and charged with accessing and possession of child pornography.

The Court of Justice held that the production order was invalid. The information to obtain (ITO) in support of the production order had errors and failed to establish reasonable grounds that the ISP's records would provide evidence of offences of possessing and accessing child pornography during the specified time. Since the production order was invalid, the search warrant based on it was also invalid. This amounted to an unreasonable search in violation of the *Charter*.[198] The evidence was excluded.

According to the Court, the police's conduct demonstrated "carelessness" towards the warrant process, although the police errors did not themselves result in breaches of the *Charter*. Additional breaches of the *Charter* also weighed in favour of exclusion of evidence, including an arbitrary detention prior to questioning the accused, a delay in informing the accused of the reason for the detention, and not being told of the right to a lawyer without delay.[199] Those additional breaches resulted in incriminating statements given to police being thrown out of evidence.[200]

In *R v Wichert*[201], PRP received an anonymous tip in September 2009 alleging that the accused, who ran a children's dance troupe, was involved in sex crimes with minors. Police interviewed 17 members of the dance troupe and then obtained a warrant to search the accused's home. However, the Justice of the Peace who issued the warrant only authorized the seizure of the accused's digital camera and memory cards used inside the cameras. It also allowed for the computer to be seized but not analyzed absent a further warrant.

Police conducted the search in January 2010. Although the first warrant was valid, police exceeded its scope by seizing a compact disk not listed in the warrant or approved by the Justice of the Peace. The Ontario Court of Justice held that this was an unreasonable search in violation of the *Charter*. The four photographs the Crown relied on were excluded from the evidence and the charge was dismissed.[202]

196 *Ibid.*

197 *Owen #1, supra.*

198 *Ibid.*

199 *Ibid*, at paras 164–166.

200 *Owen #2, supra* .

201 *Wichert, supra.*

202 *Ibid* at paras 171–209

The Court held:

> The issuing Justice plainly told the police officers that everything except one specific item was "a real reach" and was not granted. The officers failed to take any steps to clarify any misunderstanding regarding the scope of their authority and told the Issuing Justice they understood. According to their testimony, they each treated the numerous deletions as making no difference whatsoever to their intended search. They then attended the Residence and seized the very items the Issuing Justice ruled could not be seized. In doing so, they ignored the discretionary ruling of Issuing Justice and, as discussed in Guo and Caranci, transferred the discretion to themselves.
>
> The breach in this case is not minor or technical. The seriousness of the infringing state conduct weighs heavily in favour of exclusion.[203]

In *R v M.S.*,[204] PRP received information from U.S. authorities about alleged uploading and sharing of child pornography. PRP obtained internet subscriber information from Rogers without a warrant or production order. A search warrant was executed at the accused's home in May of 2013. Two hard drives were seized. They were searched in January 2014 and March 2015. Child pornography files were found during the first search. Information which tended to show that the accused was the owner and user of the hard drives at the relevant times was found during the second search.

The Crown conceded that the first search of the hard drives was an unreasonable search that violated s. 8 of the *Charter*, pursuant to a Supreme Court of Canada decision that was released later in 2014. The Court of Justice held that the search was conducted "while the law was in a state of flux", and therefore was not egregious.[205]

The second search, based on the same constitutionally invalid search warrant, was also unconstitutional. The Court held that this *Charter* breach was egregious. The evidence obtained from the searches of the hard drives was excluded:

> The Crown and the police were well aware that they were unlawfully in possession of the hard drives seized from [the accused's] home, pursuant to *R v. Spencer*. They chose to ignore this, and to conduct the searches simply because they could. In my view, this seriously impacts on public confidence in the administration of justice, and strongly militates in favour of exclusion of the evidence. [206]

In *R v Nguyen*,[207] PRP identified a residential IP address that was suspected to have child pornography in a shared folder used on a peer-to-peer network. Without a warrant or production order, police received subscriber information from the ISP. A search warrant was later issued and executed at the accused's home in October 2013, but the warrant was missing Appendix A – the judicially approved lists of items authorized for seizure.

203 *Ibid* at paras 181–182.

204 *MS, supra* at paras 1 and 2.

205 *Ibid*, at para 6.

206 *Ibid* at paras 7–9, 23 and 36.

207 *Nguyen#1 and #2, supra.*

Three computers with multiple hard drives were seized and searched. Evidence related to child pornography was found. The evidence was excluded because of the *Charter* breaches.

The Superior Court of Justice that the accused's s. 8 rights were violated in two ways [208]:

1. The police obtained internet subscriber data without a search warrant
2. The warrant was missing Appendix A

The Superior Court of Justice found that the *Charter* breach of obtaining subscriber information without warrant was made in good faith. At the time of the breach, it was a "grey area of the law" [209].

The missing Appendix A showed "a certain unfamiliarity with the law, familiarity that is required by police officers, regardless of their level of experience" [210]. Appendix A also referred to Appendix B – that the technical crimes unit look for evidence involving the listed offences, making available and possessing child pornography. According to the Court, the searching officer should have had Appendix B available to him. "It created an important limit on the search of the devices. It was not available. This too reveals a serious oversight on the part of the searching officer." [211]

208 *Ibid*, *Nguyen #1, supra* at para 2.

209 *Nguyen #2 supra* at para 11.

210 *Ibid*, at para 16.

211 *Ibid*, at para 19.

B. Toronto Police Service

I. EGREGIOUS CASES

a. Express findings of racial profiling

> Between 2015 and 2025, we identified four criminal court decisions with express findings of racial profiling in relation to the Toronto Police Service (TPS).[212] In all four cases, the accused were Black men.
>
> In all four cases, the Court concluded that the police relied on a hunch or a pre-text to conduct their investigation.[213]

In two of the four cases, the officers were found to have engaged in racial profiling during a traffic stop.[214] Additionally, in one of the cases, the officer failed to consider the totality of the circumstances in detaining the accused, leading to an unlawful detention and search.[215]

CASES

R v Smith, 2015 ONSC 3548

In *R v Smith*, the Superior Court of Justice found that the initial traffic stop and arrest of a Black man in 2010 was unlawful and breached the accused's *Charter* rights. The Toronto Police conducted a racially motivated traffic stop which led to an unlawful search incidental to the arrest of the accused's car. The Court held that the breach of the accused's ss. 8 and 9 *Charter* rights was serious, deliberate and inexcusable.[216]

The accused, who was in his twenties, made a quick turn in front of a TPS officer, which made the officer believe that the accused was involved in some form of criminal activity. The officer radioed a nearby stealth cruiser to assist in pulling over the accused's car; however, neither vehicle activated their emergency lights to signal a stop. Instead, after the accused parked at a plaza and exited his car, the officers rapidly approached him, yelled "stop" and grabbed his wrists and arms for "officer safety." Within three minutes, the accused was handcuffed and placed in the cruiser.

212 *R v Smith*, 2015 ONSC 3548 [*Smith*]; *R v Thompson*, [2016] OJ No 2118 [*Thompson*]; *R v Grant*, [2018] OJ No 6334 [*Grant*]; *R v Tesfai*, [2022] OJ No 5855 [*Tesfai*].

213 *Smith*, *ibid* at para 179; *Thompson*, *ibid* at para 16; *Grant*, *ibid* at para 32; *Tesfai*, *ibid* at para 71.

214 *Smith*, *ibid* at para 246; *Thompson*, *ibid* at para 14.

215 *Smith*, *ibid* at paras 113–114.

216 *Ibid* at para 249.

The accused was charged with careless driving and failing to identify himself. A search of his vehicle revealed a loaded firearm in a purse in the back seat. A computer search confirmed that the accused had no prior criminal record and that the car belonged to his mother.[217]

In the 2015 decision, the judge held that the traffic stop was a pretext. The real reason was to investigate unspecified criminal activity.[218]

> The reason for the stop in this case was a suspicion based upon a hunch of some kind of illegal activity, that the Vehicle may be stolen or involved in a recent crime, as the Mercedes was driven by a young black male. This suspicion, and consequently, [the officer's] reasons for stopping the Vehicle, had no genuine relationship to the *HTA* or to [the accused's] driving.
>
> I find that the defence has amply demonstrated that the real reason for the stop was racially motivated: a young black male was driving a Mercedes, and [the officer] believed something illegal was going on.[219]

The Court noted that the officers were very experienced, and their reliance on "hunches, racial profiling and a massaging of facts" could not be condoned.[220] The initial contact with the accused was heavy-handed and amounted to excessive force, followed by physical detention and an arrest.[221] The impact on the accused was significant: he was subjected to an unlawful arrest and placed on strict bail conditions for four years. Because of this blatant disregard for the accused's rights, the firearm was excluded from evidence and the accused was acquitted.[222]

R v Thompson, [2016] OJ No 2118

In *R v Thompson*, the Court of Justice found that the stop and arbitrary detention of a Black man was premised on racial profiling. The judge found that the officer used excessive force and unreasonably searched the accused, resulting in the exclusion of evidence and accused's acquittal.[223]

On September 15, 2011, a TPS officer — while engaged in an unrelated investigation — claimed to have observed a vehicle make two lane changes without signaling, and noted that the accused (a passenger in the vehicle) was not wearing a seatbelt. As the officer stopped and approached the passenger side of the vehicle, the accused opened the door. Before the accused could stand, the officer placed a hand on the accused's shoulder and instructed him to sit down. The officer attempted to remove the accused's hand from his jacket pocket before pulling him from the vehicle. A physical struggle ensued outside the vehicle, during which the accused slipped out of his jacket and fled. The officer found marijuana in the abandoned jacket, and the accused was later apprehended and charged.[224]

The accused testified that the officer drew a firearm and punched the accused several times during the encounter. The officer denied drawing a gun, and testified that the accused was the aggressor who punched him initially. Additionally, the officer testified that he had forgotten to take his police body microphone with him, and therefore no audio was captured of the events after the officer left his police vehicle.[225]

217 *Ibid* at para 133.

218 *Ibid* at para 179.

219 *Ibid* at para 182–183 and 228.

220 *Ibid* at para 275.

221 *Ibid* at para 247.

222 *Ibid* at paras 299–301.

223 *Thompson*, *supra* at paras 47–53.

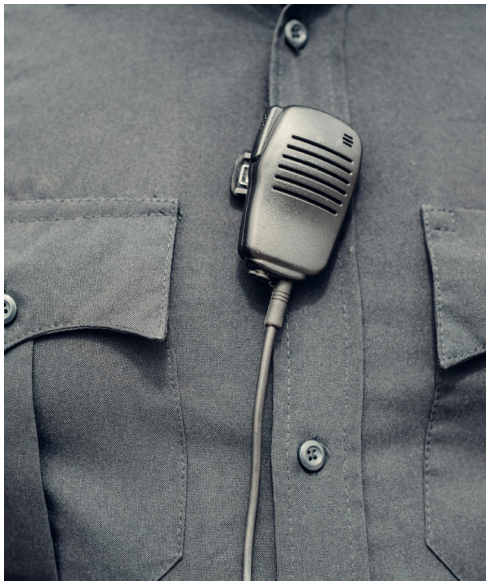
224 *Ibid* at para 4.

225 *Ibid*.

The Court found that the officer's evidence was saturated with inconsistencies.[226] The judge concluded that the officer hastily decided to stop the vehicle and attempted to rationalize his decision after the fact. The fact that the stop occurred while the officer was engaged in an unrelated investigation supported the conclusion that the officer was motivated by something other than a minor traffic violation. The judge concluded "...that it was more probable than not that there was no articulable cause for the stop but that the real reason for the stop was racial profiling." [227] This arbitrary detention constituted an infringement of the accused's rights under s. 9 of the *Charter*.

The breach was further aggravated by the officer's failure to inform the accused of the reasons for the detention, contrary to s. 10(a) of the *Charter*. The Court also found that the search of the accused's jacket was unreasonable, violating the accused's s. 8 *Charter*-protected rights. Even though video evidence from the police vehicle was not entirely clear, the judge found that the officer did not attempt to speak to the accused before acting out physically, and the force employed by the officer was unnecessary and excessive, in violation of s. 7 of the *Charter*.[228]

Given the seriousness of the *Charter* violations and the inconsistent evidence put forth by the officer, the evidence was excluded and the accused was acquitted.[229]



R v Grant, [2018] OJ No 6334

In *R v Grant*, the Court of Justice found that there no reasonable and probable grounds for the immediate arrest of a Black man (the accused and the driver) for possession of cannabis. It amounted to racial profiling. Loose marijuana was on the lap of the passenger, not the accused.[230]

Since the arrest was unlawful (a violation of s. 9 of the *Charter*), the search incident to arrest was unlawful (a violation of s. 8 of the *Charter*). The strip search was carried out at the station as a routine consequence of "drugs found", not the required case-specific analysis. This also violated s.8 of the *Charter*. Finally, although the accused was read his right to Counsel twice, there was no evidence he was given an opportunity to speak to counsel after he requested it, which violated s. 10(b).[231]

226 *Ibid* at para 10.
227 *Ibid* at para 14.
228 *Ibid* at para 37.
229 *Ibid* at paras 47–53.
230 *Grant, supra* at para 32.
231 *Ibid* at paras 27–30.

On February 18, 2017, police approached a parked car. The officers reported a strong smell of unburnt marijuana and observed loose marijuana on the passenger's lap. The driver (the accused) was immediately arrested for joint possession of marijuana. The arrest lacked reasonable and probable the grounds. The search incident to arrest, which was also unlawful, turned up small amounts of marijuana and then crack cocaine. Finally, the strip search was unreasonable as "strips searches cannot be carried out simply as a matter of routine policy" [232]

Racial profiling was considered in assessing whether the exclude the drug evidence - the small amount of marijuana and crack cocaine that were on his person.

> The Court doubted:
>
> [T]hat the scenario would have played out in the same way had this incident taken place in the parking lot not of a convenience store but in the parking lot of a high end retail store with 2 white occupants of the car. I query whether, without any questions being asked, that the driver would immediately have been arrested. Given that the marijuana in [the passenger's] lap was never even seized nor was [the passenger] ever arrested for its possession it is a stretch to find that this was the real reason for the initial arrest. The actions of the officers at best can be classified as unprofessional and bad behaviour and I find appear more likely to have been a case of racial profiling, which exacerbates the seriousness of the breaches. [233]

R v Tesfai, [2022] OJ No 5855

In *R v Tesfai*, the Court of Justice found that a Black man's *Charter*-protected rights were seriously violated by the police. Such breaches were aggravated by a finding of racial profiling and the evidence was excluded. Consequently, the accused was acquitted. [234]

On October 5, 2018, TPS officers were on scene at an apartment building where it was understood that drug dealers had taken over a unit on the first floor. Arrests had already been conducted, and the unit was allegedly vacant. The officers noticed that a light was on in the unit, so they went to investigate to ensure no one was trespassing. Upon entering the lobby, the officers observed the accused and another Black man standing by the elevator bank. [235]

232 *Ibid* at para 29.

233 *Ibid* at para 32.

234 *Tesfai*, *supra* at para 105; The decision does not state that the officers were Toronto Police Service officers. However, media reports state that there officers were Toronto Police Service officers; Betsy Powell, "Underground rapper was racial profiled by Toronto police, jude finds, tossing gun charge" (14 January 2023) The Toronto Star (online), online: www.thestar.com/news/gta/underground-rapper-was-racially-profiled-by-toronto-police-judge-finds-tossing-gun-charge/article_85d3ed91-6774-5042-bc56-8c4d8d5d22d5.html (accessed 19 January 2026).

235 *Ibid* at para 9.

The officers informed the men that they were investigating under the *Trespass to Property Act* ("*TPA*"), and asked them to identify themselves. The accused identified himself, raising suspicion for the officers since an individual with the same name was investigated in relation to a vehicle stop a few days prior. The accused attempted to leave but the officer physically prevented him from doing so to continue the detention and investigation. According to the surveillance video and evidence from an officer, the accused did not assault the officers, even though one officer claimed that the accused swung at him. A chase ensued outside the building, and the accused was subdued for an arrest. After backtracking to determine if the accused dropped anything during the chase, the officer's found a loaded firearm in plain sight.[236]

The Court found that the officers exceeded their authority under the *TPA* by questioning individuals based on mere suspicion, without any grounds to believe that the accused was trespassing. By failing to advise the accused why the officers were pursuing the *TPA* investigation, and by not facilitating access to counsel without delay, the officers infringed on the accused's *Charter*-protected rights under ss. 10(a) and 10(b).

> Additionally, the Court found that one of the officers "fabricated grounds to rationalize his foot pursuit"[237] Considering the circumstantial evidence, the Court concluded "...that race, along with age and gender, played a role in the officers' notion that [the accused] and his friend were potential offenders, whether trespassing or criminally. I further find that race was part of the motivation to investigate and detain the men."[238] Although the breaches of ss. 7 and 15 of the *Charter* as a result of racial profiling were not considered at the time of initial ruling, such violations were deemed as aggravating factors further amplifying the seriousness of the breaches.[239] The firearm evidence was excluded and the accused was acquitted.

236 *Ibid* at para 28.

237 *Ibid* at para 66.

238 *Ibid* at para 90.

239 *Ibid* at para 98.

b. Hidden racial profiling

> Between 2015 and 2025, we identified eight criminal court decisions that reveal instances of hidden racial profiling – cases in which the race of the accused was noted, racial profiling was not an issue raised before the court, yet an inference of racial profiling or discrimination can be reasonably drawn.[240]
>
> In seven of the eight cases, the accused were Black.[241]

In one of the eight cases, the accused's surname was Mohammed (a common Muslim name), and while interacting with the police, an officer made a comment using the word "Wallahi" — an Arabic phrase meaning "I swear by Allah".[242] In that case, the judge noted that this comment constituted a mockery of the accused's religion.[243] Taken together, these facts suggest that the accused was Muslim.

In two cases, the Court found that excessive force was used against the accused. [244] Additionally, seven of the eight cases involved detentions, arrests, or searches of the accused's person or vehicle without reasonable grounds.[245]

240 *R v Jinje,* 2015 ONSC 2081 [*Jinje*]; *R v Fortune*, 2016 ONSC 2186, [2016] OJ No 2211 [*Fortune*]; *R v Ohenhen*, 2016 ONSC 5782 [*Ohenhen*]; *R v Blackburn*, [2017] OJ No 7258 [*Blackburn*]; *R v Hines*, 2018 ONCJ 197 [*Hines*]; *R v Zakarie*, 2018 ONSC 2905 [*Zakarie*]; *R v Mullings*, 2019 ONSC 2408 [*Mullings*]; *R v Mohammed*, [2023] OJ No 5085 [*Mohammed*].

241 *Jinje*, *ibid* at para 7; *Fortune*, *ibid* at para 2; *Ohenhen*, *ibid* at para 26; *Blackburn*, *ibid; Hines, ibid; Zakarie*, *ibid* at para 37; *Mullings*, *ibid* at para 42.

242 *Mohammed*, *supra* at para 39.

243 *Ibid* at para 44.

244 *Jinje*, *supra* at paras 60–61; *Hines*, *supra* at paras 2, 32.

245 *Jinje, ibid* at para 47; *Fortune*, *supra* at paras 95–97; *Ohenhen*, *supra* at para 101; *Blackburn*, *supra* at para 72; *Zakarie*, *supra* at paras 121–124; *Mullings*, *supra* at paras 36–38; *Mohammed*, *supra* at para 28.

CASES

R v Jinje, 2015 ONSC 2081

In *R v Jinje*, the Court ordered the exclusion of a firearm after finding that the police unlawfully detained, arrested and searched a Black man in his twenties based on nothing more than an erroneous hunch. He was also the victim of excessive force. The Court held that the officers' conduct was very serious and showed a complete disregard for the accused's ss. 8 and 9 *Charter* rights.[246]

The accused was walking through a park with two other friends, not far from a mall where three Black men were involved in a robbery of an iPhone. An officer called out to the group, claiming to be investigating the robbery. Given that the accused had been frequently stopped by the police in the past, he kept his hands visible by his sides, provided the officer with his personal information, and unlocked his phone to show that it was his. As more officers arrived, they began asking him about what he had in his pockets. When the officers stepped toward him, the accused stepped back and a violent struggle ensued. Six officers took him to the ground. One officer struck him in the head five times with the butt end of his baton "with as much force" as possible, with the intention of either obtaining "pain compliance," or to render him unconscious.[247] Other officers punched him in the arms and the back. A handgun fell out of the accused's right pocket during the assault. One officer claimed they suspected the presence of a firearm, which was used to justify the arrest. After being handcuffed, the accused was bleeding from his head and taken to the hospital where he was treated for three separate wounds.[248]

At trial, the judge found the officers' evidence fundamentally problematic. One officer who claimed to have first suspected that the accused had a gun because his right pocket "looked heavier" than his left, could not recall where or when she made her notes, which were prepared together with three other officers. This undermined her honesty, and the justifications given by the other officers. At trial, a gun was placed in the accused's jacket pocket which created no visible difference between the pockets, undermining the officer's explanation. The Court found that, at best, the officer acted on an unreasonable hunch that the accused had a gun. [249]

The judge emphasized that nothing linked the accused or his friends to the robbery beyond their race and gender. "That fact is meaningless in terms of any grounds to believe or suspect."[250] The stop amounted to an unlawful detention when officers surrounded the group and began making demands. The impact on the accused was significant. His personal privacy was invaded in a public area, in front of his two friends, when he was beaten to the extent of requiring medical attention. The Court noted that the conduct of the police would "...undoubtedly only serve to reinforce [the accused's] perception of unequal treatment at the hands of the police." [251] Given the excessive force employed by the police and flagrant breaches of the accused's *Charter* rights, the evidence of the gun was excluded.[252]

246 *Jinje*, *supra* at para 56.

247 *Ibid* at para 22.

248 *Ibid* at para 60.

249 *Ibid* at para 48.

250 *Ibid* at para 47.

251 *Ibid* at para 59.

252 *Ibid* at paras 61–65.

R v Fortune, 2016 ONSC 2186

In *R v Fortune*, the Superior Court of Justice held that the *Charter* rights of a Black man in his thirties were violated when TPS officers arbitrarily detained him in 2013. The Court found that the police's conduct was unlawful and suggested that the traffic stop was a pre-text. As a result of the unlawful detention, the evidence was excluded.[253]

At the time, the accused had drugs in the trunk of a rented vehicle. Conscious of the risk of being caught, he wore his seatbelt, avoided loud music, and removed his baseball cap to appear less suspicious. Despite these efforts, TPS officers stopped him. One officer exited the cruiser – allegedly with his hand on his gun – approached the driver's side, and ordered the accused to show his hands, telling him he was under arrest. The accused moved the gearshift into drive, opened the door, and ran, but he was quickly apprehended.[254]

The officers acknowledged that before initiating the stop, they observed that the driver was a Black man. They claimed that they stopped him for not wearing a seatbelt. After the officer's arrested the accused, his vehicle was searched and drugs were found.[255]

The judge rejected the officers' testimony and found that it was undermined by objective evidence and inconsistencies. The judge suggested that the traffic stop was a pre-text. The Court held that the accused was wearing a seatbelt, and the officer could not have seen that the accused was not wearing a seatbelt due to the speed of the vehicles and where the officer and accused were located.[256] In addition, an officer's testimony about the "overpowering smell of marihuana outside the Nissan was misleading."[257]

"The *Charter* breach was serious because the police detained the applicant without lawful authority and attempted to mislead the court. They failed to provide a justification for their actions when faced with objective evidence that suggested that the detention was made on false grounds." [258]

The evidence obtained through the unlawful search was excluded.

R v Ohenhen, 2016 ONSC 5782

In *R v Ohenhen*, a Black man was arrested in Toronto, and charged with 17 offences relating to drugs, firearms, and assault of a police officer. The Superior Court of Justice found that the accused's *Charter* rights were violated in the 2016 decision, and the evidence was excluded. The conduct of the officers demonstrated a callous disinterest for the accused's ss. 8, 9 and 10 rights.[259]

In 2008, TPS officers were on bicycle patrol in Toronto when they heard loud music coming from a green Jaguar driven by the accused. The officers claimed the accused was not wearing a seatbelt and the officers attempted a traffic stop. Accounts of the stop varied: one officer said he pulled his bicycle into the road and motioned for the accused to stop, while another cited loud music as the reason. The accused parked in the lot, where an officer became concerned that a "bulge" he observed at the accused's waist was a firearm.

He grabbed at the accused's shirt and discovered it was not a gun but still refused to let him go. The accused ran, and the Court found he was entitled to do so. Police chased him, then tackled him to the ground, searched him and claimed they found drugs in his pocket. They then searched his car without a warrant and found a handgun. At the station, the accused was subjected to a strip search, where more marijuana was allegedly found. After his arrest, the accused had repeatedly asked to speak with a lawyer of his choice, and then later requested duty counsel. However, his requests were ignored for five hours.[260]

253 *Fortune*, *supra* at para 103.

254 *Ibid* at para 15.

255 *Ibid* at para 51.

256 *Ibid* at paras 95–96.

257 *Ibid at* para 93.

258 *Ibid* at para 99.

259 *Ohenhen*, *supra* at para 114.

260 *Ibid* at para 111.

The Court found that the officers' testimonies were not credible and accepted the accused's version of the events. Ultimately, the judge found that the officers' evidence about carding practices in Toronto and the plain and legitimate concerns about racial stereotyping raises the concern that the accused was pulled over at least in part because he was a Black man driving an expensive car. The judge held that the accused had been arbitrarily detained, searched without reasonable grounds, and that his vehicle was unlawfully searched. Additionally, his request to speak with counsel was ignored. [261]

> "It will suffice to say that in my opinion these are very serious and egregious *Charter* violations. The inability to trust the evidence of the police officers exacerbates the gravity of the violations and the very distinct possibility that the police planted drugs on [the accused] given the factual circumstances, even if not proven on a balance of probabilities is more than enough to require that the court disassociate itself from this egregious and bad faith police conduct."[262]

The judge raised the concern that racial profiling contributed to the initial stop.[263] Given the flagrant breaches of the accused's rights and the severity of the police misconduct, the evidence was excluded and the accused was acquitted.[264]

R v Blackburn, [2017] OJ No 7258

In *R v Blackburn*, the Court of Justice found that the detention and arrest of a Black man [265] in Toronto was unlawful and violated his *Charter* rights. In the 2017 decision, the charges against the accused were dismissed and he was acquitted.[266]

261 *Ibid* at para 118.

262 *Ibid* at para 117.

263 *Ibid* at para 105.

264 *Ibid* at para 122.

265 Although the Court did not note that the accused was racialized, the Ontario Human Rights Commission noted that the accused was a Black man; Ontario Human Rights Commission, *A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service* (approved November 2018) at n 84, online: OHRC <www3.ohrc.on.ca/en/public-interest-inquiry-racial-profiling-and-discrimination-toronto-police-service/collective#_ednref84> (accessed 19 January 2026).

266 *Blackburn*, *supra* at para 93.

The detention and arrest occurred in 2015, when the accused was apparently observed making a right turn without stopping at a red traffic light by two TPS officers. After pulling into a laneway known for drug activity, the TPS officers conducted the stop. During the stop, the officers turned off their microphones at certain moments of the interaction.[267]

Despite the accused's cooperation, the officers claimed they smelled alcohol and escalated the situation, demanding that the accused step out of his vehicle. Once he existed the vehicle, the officers put handcuffs on the accused and patted him down, finding $3,400 cash. The accused was arrested for refusing to provide a breath sample after five requests by the officers.[268]

The Court found that the officers refused to see identification and other documents from the accused, even though he offered to present it. The judge held that "...the totality of the evidence leads me to find that the police used the Highway Traffic Act stop as a pretext to conduct a further investigation of the defendant unwarranted by the circumstances."[269] Additionally, the judge concluded that the accused was subjected to verbally abusive and aggressive treatment by the officers, essentially from the beginning of their interaction.[270] To justify the shortcomings of her investigation, the judge noted that one of the officers provided contrived and inconsistent evidence, deteriorating her credibility.[271]

By arbitrarily escalating the situation and failing to follow procedures surrounding the collection of identification, the Court held that the accused's *Charter* rights were violated. The judge noted that "[e]very individual is entitled to equal treatment under the law and not be subjected to uneven or heavy handed police tactics based on a stereotypical presumption that all individuals in a certain area must be involved in, or have a connection to criminal activity in that area."[272]

The Court found that this situation represented the "clearest" of cases where a stay of proceedings would have been imposed if the charges were not dismissed.[273]

R v Hines, 2018 ONCJ 197

In *R v Hines*, the Court of Justice found that a TPS officer violated the *Charter* rights of a Black man[274] in 2016 when he used excessive force that was not reasonably necessary to conduct an arrest. Consequently, the charges relating to the arrest were stayed by the court in the 2018 decision.[275]

The accused was involved in a physical altercation with another man inside a Popeye's restaurant on Yonge Street. The accused stabbed this man in the face and was arrested outside of the store for assault causing bodily harm, assault with a weapon, and uttering death threats during the altercation. The accused assaulted a police officer as he attempted to resist arrest. Once the accused was handcuffed, a TPS officer pepper sprayed the accused while he was in the back of the police car. The accused was also struck by the officer's baton during the arrest, causing lacerations.[276]

The Crown conceded that the officer used excessive force in pepper spraying the accused while he was handcuffed in the back of the police car. The judge was unable to conclude that the accused was struck with the baton after being handcuffed; however, the judge concluded that the lacerations on the accused's face were caused by the baton.[277]

267 *Ibid* at para 4.

268 *Ibid* at para 5.

269 *Ibid* at para 65.

270 *Ibid* at para 83.

271 *Ibid* at paras 26–31.

272 *Ibid* at para 87.

273 *Ibid* at para 93.

274 Although the Court did not note that the accused was racialized, the Ontario Human Rights Commission noted that the accused was a Black man; Ontario Human Rights Commission, *A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service* (approved November 2018) at n 98, online: OHRC <www3.ohrc.on.ca/en/public-interest-inquiry-racial-profiling-and-discrimination-toronto-police-service/collective#_ednref98> (accessed 19 January 2026).

275 *Hines*, *supra* at para 37.

276 *Ibid* at para 18.

277 *Ibid* at para 31.

The Court found that the facial strikes were not reasonably necessary to effect the arrest. The charges relating to the arrest were stayed as a reflection of the Courts condemnation of the officer's use of excessive force and police brutality.[278]

R v Zakarie, 2018 ONSC 2905

In *R v Zakarie*, the Superior Court of Justice ordered the exclusion of evidence after a Black man in his twenties was arbitrarily detained, leading to his unlawful arrest. In the 2018 decision, the Court found that the police engaged in an extensive succession of violations of the accused's basic rights.[279]

On January 21st, 2015, TPS officers were investigating complaints from the management team of a Toronto Community Housing complex about potential drug-related and criminal activity in the underground garage and stairwell of the building. The accused was stopped by the police in the stairwell of the building, and he indicated that he was not a resident of the building. The officers claimed they smelled "fresh" marijuana and the accused allegedly stated that he had smoked marijuana. Throughout the encounter, the accused was respectful and cooperated with the request to produce identification.[280]

The officers arrested and searched the accused, seizing a loaded firearm, crack cocaine, powder cocaine, marijuana, and cash. The accused was not given his rights to counsel until after he was searched and the illicit items were seized.[281]

The Court found that encountering the accused in the stairwell in the circumstances provided a reasonable basis for the police to inquire if he was entitled to be there. However, the judge noted that without more evidence, the accused's conduct did not signify criminality, and thus, the accused was arbitrarily detained contrary to section 9 of the *Charter*. Additionally, beyond speculation and unfounded subjective beliefs, the Court found that the arrest and search of the accused was unlawful.[282]

The Court noted that "[s]tatements a person makes to the police without being given their rights to counsel and caution are obtained in violation of the person's right to silence and their right to protection against self-incrimination. The law is clear that a violation of these fundamental rights tends to militate in favour of excluding the statement." [283]

The judge concluded that the officers provided inconsistent and implausible evidence in an attempt to obscure the inadequacies of their investigation – a practice that the Court must dissociate itself from. The police's conduct was found to be wilful and flagrant.[284] Ultimately, the evidence was excluded and the accused was acquitted.

278 *Ibid* at para 37.

279 *Zakarie, supra* at para 172.

280 *Ibid* at para 43.

281 *Ibid* at paras 70–76.

282 *Ibid* at para 121.

283 *Ibid* at para 136.

284 *Ibid* at paras 161–162.

R v Mullings, 2019 ONSC 2408

In *R v Mullings*, the Superior Court of Justice held that a pregnant Black woman's *Charter* rights were violated when she was unreasonably strip searched following her arrest. The Court found this to be one of the clearest cases meriting a stay of proceedings.[285]

The accused was employed by a major bank as a credit card specialist on the high-performance team at the bank's call centre. The police alleged that the accused accessed client credit card data, and used that information to facilitate fraudulent purchases of construction materials. It was alleged that the fraudulent transactions amounted to over one million dollars. In coordination with the accused's employer, TPS officers facilitated the arrest of the accused in the lobby of her workplace.[286]

Upon arriving at the police station, the accused was required to remove her clothing and perform multiple squats for the observing officers. The underwire of the accused's bra was seized as an alleged weapon and she was not given a replacement to wear while in detention.[287]

The Court held that the police's conduct was unreasonably intrusive and violated the accused's section 8 *Charter* rights.

> "The applicant is a black Canadian woman, who was pregnant, and who was at work at her job at a major financial institution upon her arrest. She had no criminal record nor any indication of violent conduct or drugs or weapons. The police far exceeded the bounds of appropriate conduct in engaging in the strip search at all, on a basis less than suspicion, and then exacerbated the situation by unduly humiliating the applicant, forcing her to perform squats, having the search audible to the booking area, and leaving her without undergarments, and then failing to properly document the search. All this was done after the police failed to hold off questioning her before she had an opportunity to exercise her s. 10(b) rights, and after they threatened to turn her over to the US authorities unless she cooperated."[288]

285 *Mullings*, *supra* at para 4.

286 *Ibid* at para 6.

287 *Ibid* at para 36.

288 *Ibid* at para 42.

The judge noted how this case is indicative of broader systemic inadequacies with strip searching in Ontario. Such systemic deficiencies with respect to the adequacy of strip search training and the inconsistency in form and procedure across the province have the potential to degrade the integrity of the justice system.[289] Given the severity of the breach of the accused's *Charter* rights, a stay of proceedings was ordered.

R v Mohammed, [2023] OJ No 5085

In *R v Mohammed*, the Court of Justice found that the police undertook a search without lawful authorization. The officers' conduct, coupled with racist, sexist and belittling comments, led the judge to exclude the evidence and find the accused not guilty.[290]

On January 22, 2022, TPS officers were on a plainclothes "general patrol" near a townhouse complex when they observed the accused as a back-seat passenger in a parked vehicle. When approaching the vehicle on foot, the officers noticed a tray containing a clear plastic bag and loose cannabis on the front dash of the car.[291] After deciding to search the vehicle and the occupants, the officers observed that the accused was acting suspicious and moved to exit the vehicle. A struggle ensued and the accused was searched, at which point the officers located a firearm tucked into the accused's pants.[292]

> The Court concluded that the officers lacked lawful authority to order the accused out of the vehicle, at which point he was detained in breach of s. 9 of the *Charter*. The subsequent search and seizure of the firearm, having been predicated on the unlawful detention, was found to infringe on the accused's s. 8 *Charter* rights. The judge noted that one of the officers made belittling comments that mocked the accused's religion. The Court found that such comments amplified the officer's misconduct and "[t]hat he chose to compound his original conduct by making up transparently false explanations both for the 'princess' comment and the 'say Wallahi' remark is most regrettable."[293]

Since the unlawful detention and search of the accused was compounded with the denigration of the accused's personal dignity and religious values, the judge excluded the evidence to distance the Court from this type of conduct.[294]

289 *Ibid* at para 44.

290 *Mohammed*, *supra* at para 53.

291 *Ibid* at para 7.

292 *Ibid* at para 8.

293 *Ibid* at para 44.

294 *Ibid* at paras 49–53.

c. Other egregious cases

LYING OR FALSE TESTIMONY

We identified five cases where officers lied or provided false testimony. [295] Two of the five cases involved multiple officers lying or providing false testimony. [296]

In four of the five cases, the court excluded evidence obtained in violation of the accused's *Charter* rights.[297] In one of the five cases, the Court would have ordered a stay of proceedings if the charges against the accused were not dismissed.[298]

CASES

R v Carrington, 2015 ONSC 7903

In *R v Carrington*, the Superior Court of Justice excluded drug evidence after finding that police unlawfully detained and arrested a young Black man in violation of his ss. 8 and 9 *Charter* rights. The Court held that the police's conduct was deliberate, lacked credibility and amounted to serious *Charter* breaches. The officer fabricated evidence about why he stopped the accused's vehicle.[299]

The officer, a member of the Toronto Anti-Violence Intervention Strategy (TAVIS) task force, pulled the accused over for erratic driving. However, instead of questioning the accused about the alleged driving infraction, the officer asked him irrelevant questions about where he was coming from, and noted that he appeared to be nervous and had a prescription pill bottle with the label removed. He then arrested the accused, citing that he was coming from a "neighbourhood that was known for drug trafficking and drug use."[300] Upon a search of the vehicle, cocaine and codeine was located.

At trial, the judge did not find the officer to be a credible witness. According to the officer, the objective of TAVIS was to be "visible" and promote community engagement. However, contrary to this objective, the police were patrolling undercover in an unmarked work van. The officer denied knowing the driver was not White, but he admitted that the accused's dreadlocks were noticeable at the time of the arrest. The Court found that the stop was not based in any genuine traffic concern, but instead on a suspicion linked to the neighbourhood the accused was driving from. The fact that officer did not issue a ticket for the traffic violation reinforced the pretextual nature of the stop.[301]

The judge noted that the officer had not been truthful when recounting his observations and his reasons for arresting the accused, constituting a serious and flagrant breach of the accused's rights. The Court concluded that the officer "...deliberately acted beyond the scope of his authority and arrested [the accused] so that he could justify a search of the vehicle he was driving. His fabricated evidence about why he stopped the vehicle and what he saw inside the vehicle cannot be justified by inexperience." [302]

295 *R v Carrington*, 2015 ONSC 7903 [*Carrington*]; *R v Blackburn*, [2017] OJ No 7258 [*Blackburn*]; *R v Hamid*, 2021 ONSC 3227 [*Hamid*]; *R v Ricketts*, 2023 ONCJ 360 [*Ricketts*]; *R v James*, 2025 ONCA 213 [*James*].

296 *Hamid*, *ibid* at paras 95, 136; *James*, *ibid* at para 43.

297 *Carrington*, *supra* at para 76; *Hamid*, *ibid* at para 141; *Ricketts*, *supra* at para 89; *James*, *ibid* at para 6.

298 *Blackburn*, *supra* at para 93.

299 *Carrington*, *supra* at paras 70–75.

300 *Ibid* at para 27.

301 *Ibid* at para 34.

302 *Ibid* at para 70.

Although the Court did not accept the officer's reason for the stop, the Court was unable to conclude that the officer knew the accused was Black before the stop.[303]

The court concluded that the arrest was unlawful, and thus the search of the vehicle and the seizure of the drugs breached the accused's *Charter* rights. The judge emphasized that the officer's misconduct was serious, as he deliberately acted beyond the scope of his authority with an ulterior purpose and fabricated parts of his evidence. The impact on the accused was profoundly intrusive as he was arrested, handcuffed, subjected to a pat down search, and taken the police station. The evidence was excluded as admitting it would bring the administration of justice into disrepute.[304]

R v Blackburn, [2017] OJ No 7258

A summary of this case is provided earlier in this chapter as an example of Hidden Racial Profiling. The Court found that the officers' evidence was inconsistent and contrived.[305]

R v Hamid, 2021 ONSC 3227

In *R v Hamid*, the Superior Court of Justice excluded evidence after finding that a Black man's *Charter*-protected rights were seriously violated by the police. The officers' conduct was deemed to be intentional and serious.[306]

On November 16, 2019, the police executed a search warrant for a firearm at an apartment in Toronto. The officers rammed the door open and handcuffed the two occupants of the unit. All officers testified that the front door remained open at all times, and an officer testified that one of the occupants started to yell in a foreign language while looking towards the hallway. An officer in the hallway saw the accused exit the elevator looking worried and started to move towards the open unit to speak with the occupant inside. The officer then detained the accused to investigate and denied that he grabbed the accused immediately as he stepped out of the elevator. The police searched the accused's satchel and found a handgun.[307]

In the 2021 decision, the Court rejected the officers' claim that the unit door was open throughout the interaction. Additionally, the judge noted that it was implausible for the occupant to have seen the accused exit the elevator as his view was likely obstructed by the officer standing on the threshold. Elevator evidence also indicated that the officer took physical custody of the accused six seconds after he exited the elevator. Thus, the accused was unlawfully and arbitrarily detained. The search of his person and the satchel was also found to be unlawful.[308]

303 *Ibid* at para 54.

304 *Ibid* at para 75.

305 *Blackburn*, *supra* at paras 16, 26, 31 and 90.

306 *Hamid*, *supra* at para 134.

307 *Ibid* at para 51.

308 *Ibid* at para 130.

> The Courts cannot be seen as condoning or supporting police officers who are prepared to ignore their obligations under the *Charter* and then fabricate a basis for unlawfully detaining and searching individuals and then come to Court, take an oath and mislead the Court about what happened. The conduct of these officers seriously undermines the administration of justice and this Court must distance itself from that conduct and condemn that conduct.[309]

Although there was arbitrary detention, the Court could not conclude that the officers were motivated in detaining the accused because he is Black.[310]

All evidence seized from the accused was excluded from the trial.[311]

R v Ricketts, 2023 ONCJ 360

In *R v Ricketts*, the Court of Justice found that the arrest of the accused was profoundly intrusive and violated his section 8 *Charter* rights. In the 2023 decision, the evidence was excluded, and the accused was acquitted.[312] The court found that the officer was deliberately misleading in the context of his testimony in an effort to paint the accused "...as an active, large-scale drug dealer."[313]

In the summer of 2020, three search warrants were executed which led to charges for cocaine trafficking, firearm possession, and related offences against the accused. The warrants were largely based on information from two confidential sources, resulting in heavily redacted ITOs that connected the accused to an apartment unit and two vehicles. The police found nothing incriminating while searching the apartment unit but later located the accused driving one of the vehicles. While arresting him in a "high-risk takedown" fashion, the police searched the vehicle to find cocaine and a firearm.[314]

The ITO relied on surveillance footage that an officer claimed to show the accused engaging in a hand-to-hand drug transaction. Additionally, that officer asserted that the accused lived in the apartment unit in question, and that the police had corroborated this residence information. At some point during the investigation, the police lost the surveillance videos. The Crown conceded that the warrants would not have been sufficient without the information provided from the confidential sources.[315]

309 *Ibid* at para 137.
310 *Ibid* at para 91.
311 *Ibid* at para 141.
312 *Ricketts*, *supra* at para 5.
313 *Ibid* at para 60.
314 *Ibid* at para 10.
315 *Ibid* at para 2.

The Court found that the ITO contained no evidence that the accused lived in the apartment unit in question, and that such information was never corroborated. The judge noted that the officer should have known that corroboration is critically important for ITOs that rely on information from confidential sources.

Additionally, the judge found that the misrepresentations and omissions in the ITO reflected deliberate conduct on the part of the officer.[316] For significant matters, the Court found that the officer claimed to have confirmed information when it had not been corroborated. The Court concluded that "[t]he *Charter*-infringing conduct - deliberately misleading a justice to authorize warrants to search locations including dwellings - was extremely serious and strongly favours exclusion."[317] Losing the surveillance videos and failing to maintain a proper investigative file demonstrated police negligence which could not be equated to good faith.[318]

R. v. James, 2025 ONCA 213

In *R v James*, the Court of Appeal found that the trial judge erred in concluding that evidence should be admitted without adequately considering if the administration of justice would be served by the admission of evidence. The evidence was excluded and the accused's convictions for possession for trafficking were set aside.[319]

On August 21, 2019, the accused was arrested at a convenience store in Toronto and charged with trafficking crack cocaine and possessing fentanyl and crack cocaine for trafficking. The trial judge found that the police violated the accused's *Charter* rights — namely, during the vehicle search and by questioning him before he had the opportunity to consult counsel. Only the evidence found in the vehicle was excluded. Additionally, the trial judge found multiple instances of police dishonesty by several officers who lied under oath.[320] Although the trial judge was critical of the officers' conduct, the drugs seized from the accused's person was admitted, and the sentence was reduced to reflect the police misconduct.[321]

On appeal, the breaches of the accused's *Charter*-protected rights and the police officers' conduct was not at issue. The issue was whether the trial judge gave proper effect to the *Charter* breaches and the police dishonesty in his s. 24 analysis.[322] Even though the trial court found that certain officers lied under oath, the trial Judge erred in not referring to such dishonesty under the first factor of the s. 24 analysis.[323] This failure constituted an underestimate of the seriousness of the state misconduct in the analysis. The appellate judge found that the police's dishonest testimony and their disregard for *Charter* rights pointed towards the exclusion of evidence to maintain integrity in the justice system.

316 *Ibid* at para 66.
317 *Ibid* at para 74.
318 *Ibid* at para 75.
319 *James*, *supra* at para 78.
320 *Ibid* at para 35.
321 *Ibid* at para 3.
322 *Ibid* at para 35.
323 *Ibid* at para 45.

> "The significant factors here, that weigh strongly against the admission of the evidence, are that the police were not acting in good faith; that they demonstrated a pattern of "cavalier" and "reckless" disregard for the appellant's *Charter* rights; and that they gave dishonest and misleading in-court testimony. The admission of the evidence would in effect vindicate the serious *Charter* breaches by the police in this case, and in this way harm the long-term repute of the administration of justice."[324]

The evidence was excluded and the appellant's convictions for possession of cocaine and fentanyl for the purpose of trafficking was set aside.[325]

d. Excessive force

CASES

> We identified six cases where officers used excessive force.[326] The excessive force employed in all six cases was serious, warranting the exclusion of evidence,[327] a stay[328] or a reduction in sentence[329]. Two of the six cases involved excessive force by multiple officers.[330]

R v Jinje, 2015 ONSC 2081

A summary of this case is provided earlier in this chapter as an example of Hidden Racial Profiling. The Court held:

> Still further, on this factor, is the disturbing fact that, in the course of his arbitrary detention, unlawful arrest and unlawful search, [the accused] was beaten by these officers to the extent that he had to be taken to hospital and have three separate wounds treated with either stitches or staples. It should be remembered, in this regard, that when this excessive force was used, there were six police officers dealing with [the accused]. I note that, of those officers, four of them admitted to striking [the accused] in some fashion or another. Almost all of those blows were inflicted on [the accused] after he was down on the ground. Conversely, none of the officers suffered any injuries in the course of this incident, other than [the officer's] loss of his glasses.[331]

R v Smith, 2015 ONSC 3548

A summary of this case is provided earlier in this chapter as an example of Explicit Racial Profiling. The Court found that the police's conduct when interacting with the accused was heavy-handed and amounted to excessive force. This included handcuffing the accused to the rear of a police car.[332]

324 *Ibid* at para 70.

325 *Ibid* at para 72.

326 *R v Jinje*, 2015 ONSC 2081 [*Jinje*]; *R v Smith*, 2015 ONSC 3548 [*Smith*]; *R v Hines*, 2018 ONCJ 197 [*Hines*]; *R v Upper*, 2019 ONCJ 969 [*Upper*]; *R v Bent*, 2024 ONSC 3520 [*Bent*]; *R v Munda*, 2025 ONSC 1386 [*Munda*].

327 *Jinje, supra* at para 65; *Smith*, *supra* at para 281; *Upper*, *supra* at para 42; *Bent*, *supra* at para 263.

328 *Hines*, *supra* at para 37.

329 *Munda*, *supra* at para 128.

330 *Jinje*, *supra*; *Bent*, *supra*.

331 *Jinje*, *supra* at para 60.

332 *Smith*, *supra* at para 247.

R v Hines, 2018 ONCJ 197

A summary of this case is provided earlier in this chapter as an example of Hidden Racial Profiling. Although the Crown conceded that the officer used excessive force in pepper spraying the accused while handcuffed, the Court found that the police unnecessarily struck the accused with a baton causing facial lacerations.[333]

R v Upper, 2019 ONCJ 969

In *R v Upper*, the Court of Justice found that the accused's *Charter* rights were violated when the police unlawfully searched and arrested the accused. In this case, the officers engaged in conduct amounting to excessive force, yet argued that such force did not occur because their actions were not rationally connected to any legitimate police purpose.[334] The court rejected this submission — the means of detention was found to be profoundly inappropriate and resulted in an assault to the accused's person.[335] In the 2019 decision, the evidence was excluded.

The police were conducting surveillance on an apartment subject to a search warrant and had observed the accused repeatedly entering and leaving the building. The officers believed he was acting as a lookout, even though they had no evidence that the accused had ever visited the target floor or unit that day. In executing the warrant, the police found the accused standing outside the apartment door with his bicycle nearby. The accused was then tackled, arrested, and searched. During this interaction, the accused incurred a black eye and some bruising. From the search, the police discovered quantities of crystal meth and GHB that was consistent with trafficking.[336]

The accused remained detained in or near the apartment for one hour before being transported to the police station. He did not speak with duty counsel until approximately three and a half hours after his arrest and was questioned beforehand by a detective about his criminal affiliations. The detective implicitly suggested potential benefits for the accused if he cooperated.[337]

The police asserted that there was no rational police related reason for the punching to the eye, and therefore, it was unlikely or did not happen. However, the judge rejected this submission as a fiction concocted to explain the injury to the accused.[338] The Court noted that "[s]ometimes in the course of human events there is no rational reason for the expression of brutality except the power that the brutalizer has and the circumstances in which they find themselves, where they find it possible to administer a beating without consequences. The mere fact that this is unrelated to any rational police purpose doesn't mean it didn't happen."[339]

333 *Hines*, *supra* at para 32.

334 *Upper*, *supra* at paras 23–27.

335 *Ibid* at para 38.

336 *Ibid* at para 12.

337 *Ibid* at para 16.

338 *Ibid* at para 25.

339 *Ibid* at para 27.

The Court found that the officer punched with the accused in the right eye without any legitimate police purpose, causing a Black eye. This was characterized as "gratuitous and brutal" and violated s. 7 of the *Charter*.[340]

The judge concluded that the level of state culpability was high and the impact on the defendant was clearly profound.

> Additionally, the Court found that this case was indicative of "...a pattern of deliberate misconduct and cynical misconduct, and the only possible expression for such a grievous series of acts of misconduct must be that they outweigh any possible public interest in the continuation of the misconduct by allowing this evidence before the court."[341]

R v Bent, 2024 ONSC 3520

> In *R v Bent*, the Superior Court of Justice found that the seized firearm and ammunition evidence should be excluded because of serious state misconduct. Even though the accused was unarmed and non-hostile, the police deployed a taser which was found to be excessive and unnecessary in the circumstances.[342] Dragging the accused by his wrist and hair contributed to the excessive use of force by the police. The accused's ss. 7 and 10(b) rights were violated, and the impact on the accused was significant.[343]

The Toronto Police Service received a tip from a confidential source alleging that the accused was involved in drug-trafficking activity and that he had a firearm. Police officers conducted surveillance to verify this information. The police obtained and executed search warrants for the accused's residence and for his vehicles. During the execution of the warrants, the accused threw a guitar case from his balcony that contained a rifle and ammunition.

340 *Ibid*, at paras 34 and 35.

341 *Ibid* at para 41.

342 *Bent*, *supra* at para 182.

343 *Ibid* at para 238.

Additionally, the police discovered a handgun, ammunition, and cash inside the residence. The accused was tasered by the police and dragged down the hallway to the stairwell. As a result, the accused was subject to scrapes, cuts, and carpet burn.[344] The accused was asked about the location of his keys before he had the opportunity to speak to counsel.

The Court found that the ITO contained certain inaccurate statements, but once excised, contained sufficient reliable information to reasonably issue a valid warrant.[345] The judge found that the police used excessive force in deploying a taser on the accused who was unarmed and non-hostile. Dragging the accused by his wrist and hair from his residence, and the subsequent injuries he endured contributed to a finding of excessive force.[343] The judge noted that the officers' justifications for the force employed was inconsistent and not objectively reasonable.[347]

Asking the accused for the location of his keys before he had the opportunity to speak to counsel was also deemed to be a serious breach of the accused's rights. Even though the accused was provided with his right to counsel as subsequent stages, the judge found that it does not alleviate the earlier breach. Ultimately, the excessive use of force by the police and the breach of section 10(b) of the *Charter* warranted the exclusion of evidence.[348]

R v Munda, 2025 ONSC 1386

In *R v Munda*, the Superior Court of Justice found that the accused's *Charter*-protected rights were violated when police officers employed excessive force and failed to promptly provide the accused with his rights to counsel. Tasing the accused three times was found to be an appropriate use of force; however, an officer employed excessive and unreasonable force by kicking or stepping on the accused's face.[349] Although the Court rejected the application to exclude the evidence, the accused's sentence was to be reduced if convicted.[350]

In 2022, the police executed a search warrant at a townhouse, believing individuals who were connected to a recent homicide were in the residence. While being arrested, the accused was tased three times and kicked in the face by an officer. During the police raid, the accused's younger brother jumped from the balcony and was shot twice in the leg by an officer. There was a 22-minute delay in contacting the accused's counsel of choice. A police synopsis stated that the accused's younger brother reached for a gun in his waistband before being shot.[351]

The Court held that three deployments of the taser on the accused was justified in the dynamic circumstances, but found that an officer used excessive force and breached section 7 of the *Charter* by kicking or stepping on the accused's face after he had been handcuffed. Additionally, the 22-minute delay once the accused was in custody was found to be unreasonable and in violation of the accused's *Charter* rights, as conceded by the Crown.[352]

In finding excessive force, the judge concluded that "...[the officer] kicked or stepped on [the accused's] face when he was handcuffed. I find that [the officer] did so out of frustration with [the accused's] complaints. I accept that this was painful for [the accused]. I note, however, that it caused no significant injury to his face, but may have caused some superficial bleeding from the contact of the sole or edge of [the officers'] boot."[353]

344 *Ibid* at para 114.
345 *Ibid* at para 41.
346 *Ibid* at 227.
347 *Ibid* at para 134.
348 *Ibid* at para 247.
349 *Munda*, *supra* at paras 83–85.
350 *Ibid* at para 210.
351 *Ibid* at para 190.
352 *Ibid* at para 91.
353 *Ibid* at para 84.

e. Unlawful strip searches

We identified sixteen criminal court decisions where a violation of s. 8 of the *Charter* was found due to police conducting unreasonable strip searches.[354] Of these sixteen cases, thirteen involved a male accused, and three involved a female accused.[355] In thirteen of the sixteen cases, the courts found that the police conducted strip searches unnecessarily or without reasonable grounds.[356] Two other cases were unlawful strip searches because they involved unlawful arrests.[357] Two cases constituted an unlawful strip search because of a lack of privacy.[358]

In nine cases, the evidence was excluded.[359] In the seven six cases, a stay was ordered.[360]

In a separate case, the police did not conduct a strip search; however, the police's presence during an intrusive medical procedure without consent constituted a significant invasion of the accused's privacy and a violation of the accused's rights.[361]

CASES

R v Balak, 2016 ONCJ 44

In R v Balak, the Ontario Court of Justice found that the accused's s. 8 *Charter* rights were breached when the police conducted an unlawful strip search. The Court excluded the accused's statements to police, finding that the impact of the breach was substantial and "went to the core of what s. 8 was meant to protect."[362]

On April 12, 2012, police attended the accused's new residence to question him about belongings he had left behind at a previous address from which he had recently been evicted. These belongings, which had been discarded by the landlord, included two firearms inside a bag that were later discovered by a passerby. During the interaction, the accused admitted that he purchased the firearms decades earlier, though he had forgotten about them. The accused was cooperative throughout his arrest and transport to the station.[363]

354 *R v Balak*, 2016 ONCJ 44 [*Balak*]; R *v Im*, 2016 ONCJ 383 [*Im*]; *R v Perinpanathan*, 2017 ONCJ 36 [*Perinpanathan*]; *R v Bruce*, 2018 ONCJ 135 [*Bruce*]; *R v Boekdrukker*, 2018 ONSC 266 [*Boekdrukker*]; *R v Gayle*, [2018] OJ No 54 [*Gayle*]; *R v Uhuangho*, 2018 ONCJ 599 [*Uhuangho*]; *R v Grant*, [2018] OJ No 6334 [*Grant*]; *R v Abdelrahim*, [2018] OJ No 3709 [*Abdelrahim*]; *R v Gerson-Foster*, 2019 ONCA 405 [*Gerson-Foster*]; *R v Mullings*, 2019 ONSC 2408 [*Mullings*]; *R v Smith*, 2021 ONCJ 650 [*Smith*]; *R v Wong*, 2022 ONCJ 566 [*Wong*]; *R v Martin*, 2022 ONCJ 170 [*Martin*]; *R v Hassan*, 2023 ONSC 1300 [*Hassan*]; *R v Bailey*, 2023 ONSC 2490 [*Bailey*].

355 *Bruce*, *supra* at paras 1–4; *Mullings*, *supra* at para 5; *Boekdrukker*, *supra* at para 44.

356 *Balak*, *supra* at para 63; *Perinpanathan*, *supra* at paras 55–58; *Gayle*, *supra* at paras 26–27; *Im*, *supra* at para 22; *Bruce*, *supra* at para 46; *Uhuangho*, *supra* at para 142; *Mullings*, *supra* at para 37; *Smith*, *supra* at para 63; *Wong*, *supra* at para 86; *Martin*, *supra* at paras 197–198; *Bailey*, *supra* at paras 21–22; *Grant*, *supra* at para 29; *Abdelrahim*, *supra* at paras 40–43

357 *Gerson-Foster*, *supra*; *Hassan*, *supra*.

358 *Boekdrukker*, *supra* at paras 37–38; *Balak*, *supra* at paras 56–63.

359 *Balak*, *supra* at paras 78–90; *Perinpanathan*, *supra* at para 81; *Boekdrukker*, *supra* at para 86; *Bruce*, *supra* at para 48; *Gerson-Foster*, *supra* at para 115; *Martin*, *supra* at para 290; *Hassan*, *supra* at para 135; *Bailey*, supra at para 39; *Grant*, *supra* at para 40

360 *Gayle*, *supra* at paras 30–33; *Im*, *supra* at para 34; *Uhuangho*, *supra* at para 158; *Mullings*, *supra* at para 4; *Smith*, *supra* at paras 76–77; *Wong*, *supra* at para 114; *Abdelrahim*, *supra* at para 45

361 *R v Suliman*, 2018 ONSC 1361 at para 92 [*Suliman*].

362 *Balak*, *supra* at para 87.

363 *Ibid* at paras 7–18.

At the station, a Sergeant ordered a strip search, citing safety concerns. However, at trial, the officers could not articulate what specific safety risks justified the search. Throughout the strip search, the door was left wide open. Ultimately, the Court found the accused's s.8 rights were violated in two ways: first, because officers did not have the grounds to conduct a strip search; and second, because they did not take steps to ensure that the search was conducted in private.[364]

The Court found that the officers conduct indicated that there were systemic issues at play. The Court noted that it was routine practice for officers to order a strip search when an accused was charged with a gun offence, regardless of the specific circumstances. Further, the Court found that the officers involved did not truly understand how degrading a strip search is and did not appreciate their obligation to take steps to preserve as much human dignity as much as possible throughout a strip search.[365]

The Crown failed to prove that the accused was in possession of the firearms and ammunition, and thus, there was no evidence that the accused breached his probation. He was found not guilty of all charges.[366]

R v Im, 2016 ONCJ 383

In *R v Im*, the Ontario Court of Justice found that the accused's section 8 *Charter*-protected rights were infringed when the police conducted an unlawful strip search. The searching officer made the accused remove his pants, exposing his undergarments, despite admitting that he had no grounds to believe the accused had anything concealed on his person. A stay of proceedings was found to be crucial to denounce police misconduct and to deter such conduct in the future.[367]

On May 12, 2013, the accused drove into a parked bus while impaired by alcohol. The police investigated and arrested the accused for impaired driving, taking him to 32 Division. An officer testified that he conducted a Level 2 search of the accused, which is defined in TPS Policy as a more thorough search than a pat-down, "'that may include the removal of clothing which does not expose a person's undergarments or the areas of the body normally covered by undergarments'".[368]

The Court found that the officer made the accused remove his pants – exposing his undergarments – without obtaining authorization from a supervisory officer for such an intrusive search. Additionally, the judge noted that the officer failed to properly record the details of his search. Ultimately, the judge concluded that "[a]nything short of a stay of proceedings would amount to judicial condonation of egregious police misconduct and erode the public's confidence in the administration of justice."[369]

R v Perinpanathan, 2017 ONCJ 36

In R v Perinpanathan, the Ontario Court of Justice found that the accused's ss. 7 and 8 *Charter* rights were breached when police conducted an unnecessary strip search. The Court excluded the breath test results. [370]

364 *Ibid* at para 63.

365 *Ibid* at para 71.

366 *Ibid*, at para 112.

367 *Im*, *supra* at para 34.

368 *Ibid* at para 8.

369 *Ibid* at para 6.

370 *Perinpanathan*, *supra*.

On July 10, 2025, an officer observed the accused driving erratically. The officer was concerned and followed the vehicle into a parking lot. Upon approaching the vehicle, the officer observed signs of impairment. The accused failed a roadside screening test, was arrested, and transported to the station. At the station, the supervising officer ordered a strip search, citing concerns that he may have been in the possession of a weapon, and may have had more drugs on his person, or in his anal cavity.

The Court found the officer's beliefs to be purely speculative.[371] While the Court acknowledged that the accused's demeanour throughout the booking process was troublesome, this was not uncommon in drinking and driving cases. The decision to subject the accused to a strip search was neither necessary, nor reasonable.[372]

The Court found the speculative basis for the strip search fell below the acceptable standard for officer conduct, resulting in a search that significantly impacted the accused's security interests. In excluding the evidence, the Court also dismissed the "over 80" charge.[373]

R v Bruce, 2018 ONCJ 135

In *R v Bruce*, the Ontario Court of Justice excluded breath tests after the accused was subjected to a strip search without the requisite reasonable and probable grounds. While the arresting officer understood that it was unnecessary and unreasonable to subject the accused to a strip search, the officer-in-charge failed to assess the accused's individual circumstances, leading to a humiliating and highly intrusive strip search.[374] In the 2018 decision, the Court held that the accused's ss. 7 and 8 *Charter* rights were breached.[375]

On May 15, 2016, the accused was found unconscious in her vehicle at an intersection. When the police arrived on the scene, the officers detected the odour of alcohol and marijuana coming from inside the accused's car. The accused failed a roadside screening test and was arrested for driving with excess blood alcohol. The accused was handcuffed to a bench while waiting to be called in for her breath tests. A small amount of marijuana was found in the accused's purse, prompting the arresting officer to recommend a pat down search. However, the officer-in-charge informed the accused that she would be subject to a strip search.[376]

The Court found that the strip search violated the accused's *Charter*-protected rights. The judge noted that the officer-in-charge failed to properly assess the accused's individual circumstances before ordering the strip search, as required by TPS Protocol and Supreme Court jurisprudence on strip searches. The Court found that the humiliation and loss of dignity was unnecessary and egregious.[377] The judge concluded that it was necessary to exclude the evidence in order to dissociate the court from such misconduct and to preserve public confidence in the justice system.

R v Boekdrukker, 2018 ONSC 266

In *R v Boekdrukker*, the Ontario Superior Court of Justice found that officers wrongfully strip searched the accused, violating her s. 8 *Charter* rights. Although the Court found the officers acted in good-faith, the physical layout of 33 Division did not allow for the search to be conducted in a sufficiently private area. The Court excluded evidence, namely, cocaine, psilocybin, hash, marijuana and cash.[378]

371 *Ibid* at paras 55–58.

372 *Ibid*.

373 *Ibid* at para 81.

374 *Bruce*, *supra* at paras 39–46.

375 *Ibid* at para 42.

376 *Ibid* at para 17.

377 *Ibid* at para 46.

378 *Boekdrukker*, *supra*.

On November 7, 2014, the accused was charged with trafficking cocaine to an undercover officer. A search warrant conducted at her home revealed more cocaine, along with other drugs and cash. The police then arrested the accused, and took her to the station where a strip search was conducted. The Court found that while the officers had reasonable grounds to strip search the accused, the facility was not equipped with a private room to conduct the strip search. The accused was made to remove her clothing in a vestibule with three concrete walls, but no door. Despite assurances that no one else could see her, the accused could hear male officers in the adjacent room. There was no barrier between the strip search location and anyone passing by. The Court found that the physical layout of the area would cause anyone to have a heightened feeling of anxiety and a significant loss of dignity during a strip search.[379]

The Court noted that the breach could have been "easily avoided" by installing a curtain, rhetorically asking, "if one cannot get full privacy at a police station, where else can one expect to get it?"[380] The Court found that the breach was indicative of a broader systemic problem, noting that because the solution was so simple, there "must have been a failure in the system to recognize the existence of the problem and the need to fix it."[381] The systemic nature of the breach, and the significant impact on the accused's privacy and personal dignity required exclusion of the evidence acquired during the search of her home.

R v Gayle, [2018] OJ No 5044

In *R v Gayle*, the Ontario Superior Court of Justice found that the accused was subjected to a punitive and unjustified strip search, breaching his s. 8 *Charter* rights, and ordered a stay of proceedings.[382]

The accused had been arrested following a dispute that escalated into allegations of assault on police and resisting arrest. After being pepper sprayed by officers, he was eventually medically cleared from the hospital and transported to 11 Division. The accused was co-operative following his arrest, had been in hospital for a considerable period of time, had no criminal record, was wearing minimal clothing, and officers articulated no safety concerns during transport. Despite this, upon arrival at the station, the Sergeant ordered a strip search.[383]

> The booking video did not support the Sergeant's claim that the accused was verbally combative. The Court found that the strip search was ordered as a punitive response to the accused's earlier resistance at the time of arrest, and what the officer perceived as disrespect.[384] The Court noted that there was "no excuse" for the Sergeant not to be aware of the well-established law regarding strip searches.[385] Given the degrading nature of strip searches, and the clear absence of justification, the Court found that the only appropriate remedy for the breach was a stay of proceedings.

R v Uhuangho, 2018 ONCJ 599

In *R v Uhuangho*, the Ontario Court of Justice stayed the proceedings after finding that the accused was subjected to an unlawful strip search that was conducted in an abusive manner. In this case, a routine traffic incident escalated into a demeaning and unjustified strip search of the accused who was returning from a religious celebration, constituting a profound abuse of police power. The accused's section 8 *Charter* rights against unreasonable search and seizure were violated as a result.[386]

379 *Ibid* at paras 37–38.
380 *Ibid* at para 39.
381 *Ibid* at para 76.
382 *Gayle*, *supra* at para 31.
383 *Ibid* at paras 22–23.
384 *Ibid* at para 26.
385 *Ibid* at para 30.
386 *Uhuangho*, *supra* at para 90.

On August 1, 2016, the accused was involved in a vehicle collision after returning home from a baptism celebration. The accused was wearing a full-length religious cloak at the time. After providing a breath sample and failing, the accused was arrested for impaired driving. At the police station, the officers asked the accused to remove the draw string on his pants as they considered it to be a choking hazard. With four officers in the room, the accused removed his own pants and tossed them away. An officer claimed that the defendant urinated in his pants to rationalize the removal of his clothing. The defendant remained undressed for several hours throughout the booking process, all while being videotaped.[387]

The Court concluded that the strip search lacked reasonable grounds and was carried out in an abusive manner without appropriate supervision or consideration of less intrusive options. Additionally, "...this strip search of the defendant was carried out in a public area of the police station and has been videotaped. To record a strip search of an accused person is particularly egregious. This recording has subsequently been played and re-played in court. This constitutes an additional humiliation of the defendant which continued throughout the trial process..."[388] The breach was compounded by the officer's false assertion that the accused had urinated in his clothes, the failure to provide privacy or replacement clothing, and evidence that similar practices were systemic.

The judge noted that the prejudice caused by the breach of the accused's rights would be perpetuated if his trial continued. Considering the circumstances, this was deemed to be one of the clearest of cases where a stay of proceedings was warranted.[389]

R v Grant, [2018] OJ No 6334

A summary of this case is provided earlier in this chapter as an example of Explicit Racial Profiling. The Court found that the strip search was unreasonable as "strips searches cannot be carried out simply as a matter of routine policy".[390]

R v Abdelrahim, [2018] OJ No 3709

In *R v Abdelrahim*, the Ontario Court of Justice found that the police had "suspicion at best, but not reasonable and probable grounds" for the strip search. The strip search violated s. 8 of the *Charter*.[391]

In the early evening on May 28, 2015, police were on general patrol. They claimed they observed the accused (a passenger in the rear) without a seatbelt. The stopped the car and identified three young adult Black men in the car. Police checks showed the accused was on a probation order with a non-association condition (front passenger). He was arrested for breach of probation at 4:30 p.m. after a call to probation confirmed the term remained in effect. At the station, the accused was strip searched, citing safety concerns due to his record (including trafficking history) and being held in custody.[392]

387 *Ibid* at para 4.

388 *Ibid* at para 145.

389 *Ibid* at para 158.

390 *Ibid* at para 29.

391 *Abdelrahim*, *supra* at para 39.

392 *Ibid.*

The Court did not find that there was racial profiling, but found that the strip search was unlawful:

> The ultimate question to address in this case is, how does someone facing a mere seatbelt violation end up being strip searched? On its face, and even upon drilling down, it is an affront and a disproportionate overreaching by the police in this case. The Court, therefore, needs to dissociate itself from this type of activity.[393]

The failure to wear a seatbelt charge was withdrawn by the Crown. The breach of probation charge was stayed.[394]

R v Suliman, 2018 ONSC 1361

In *R v Suliman*, the Superior Court of Justice found that the police's presence during an intrusive medical examination constituted an unreasonable search in violation of accused's *Charter* rights. The judge concluded that the accused had a reasonable subjective expectation of privacy in the integrity and dignity of his body during the medical examination, which was violated by the police while the accused was unconscious. The evidence that was seized during the medical examination was excluded.[395]

On September 24, 2015, the accused was stabbed and taken to a hospital in Toronto for treatment. During a preliminary examination in the trauma room, the doctor attempted to conduct a rectal exam as per protocol to determine if there was any intra-abdominal bleeding prior to surgery. The police officers were not asked to leave the room during the exam, and a foreign object was discovered in the accused's rectum. After the accused was under anesthetic, the medical team decided to surgically remove the foreign object from the accused's rectum. Someone invited the police to witness the removal of the foreign object, and once removed, the police seized the item and left the operating room. The substance contained in the foreign object was found to be 12.02 grams of heroin.[396]

The Court found that the accused retained a subjective privacy interest in the dignity of his body which he never relinquished. The police's presence in the operating room was found to be an unreasonable breach of the accused's right to privacy under s. 8 of the *Charter*. Contributing to this finding was the fact that the police observed the medical procedure while the accused was unconscious without his consent. One officer testified that stepping out of the operating room would not have impeded on the execution of their duties, further exacerbating the breach.[397]

393 *Ibid* at para 45.

394 *Ibid* at paras 45–47.

395 *Suliman*, *supra* at para 92.

396 *Ibid* at para 27.

397 *Ibid* at para 85.

> While the initial rectal procedure was not a strip search, as it was not conducted by the state, and it was conducted for medical reasons, it was inherently personal and private. There was no legitimate reason related to their duties which required the presence of police during the rectal exam in the trauma room. Further, police presence in the operating room while [the accused] was rendered unconscious, and the object removed from his rectum by medical staff, in my view, was an unnecessary and significant intrusion into [the accused's] right to maintain the privacy and dignity of his own body.[398]

The Court concluded that the presence of police during medical procedures may have a chilling effect that restricts the confidential exchange of information that is fundamental to a patient's medical care. Given the nature of the privacy intrusions in this case, the evidence seized during the medical procedure was excluded.[399]

R v Gerson-Foster, 2019 ONCA 405

In *R v Gerson-Foster*, the Ontario Court of Appeal found that the trial judge erred in holding that a warrant was still in effect when the accused was arrested. In this case, the police failed to inquire about the validity of a warrant before conducting an arrest and an intrusive strip search. Thus, the arrest and searches of the accused were not lawful, and the evidence was excluded.[400]

In 2015, a police officer was instructed to arrest the accused pursuant to a surety warrant. Upon conducting a pat down search incident to the arrest and a subsequent strip search, cocaine and cash were found on the accused's person. However, the Canadian Police Information Centre had not been updated to show that the surety warrant has been cancelled more than a month before the arrest of the accused.[401]

The trial judge concluded that, because the administrative judge had not properly addressed the warrant, it remained valid at the time of the arrest. Consequently, the strip search of the accused was found to be lawful and reasonable, and the evidence was admitted. The accused appealed his convictions for possession of cocaine for the purpose of trafficking and possession of the proceeds of an indictable offence.[402]

In the 2019 appeal decision, the judge found that the administrative judge had acted properly in making the order to rescind the surety warrant. The Court concluded that "[t]he arrest relied upon to support his strip search was illegal, and he was illegally strip searched without the police making reasonable inquiries that they ought to have made to determine the status of the surety warrant."[403]

The Court found that the violations of the accused's *Charter*-protected rights became extremely serious when the officers became aware of the need to inquire into the validity of the surety warrant, but failed to do so and continued to execute a strip search. The judge noted that this conduct constituted bad faith.[404] Ultimately, the evidence was excluded and the accused was acquitted.

398 *Ibid* at para 44.

399 *Ibid* at para 92.

400 *Gerson-Foster*, *supra* at paras 114–115.

401 *Ibid* at para 2.

402 *Ibid* at para 1.

403 *Ibid* at para 107.

404 *Ibid* at para 113.

R v Mullings, 2019 ONSC 2408

A summary of this case is provided earlier in this chapter as an example of Hidden Racial Profiling. The Court found that the police conducted an unlawful and degrading strip search of the accused, warranting a stay of proceedings.[405]

R v Smith, 2021 ONCJ 650

In *R v Smith*, the Ontario Court of Justice found that the Crown failed to prove that the strip search of the accused was reasonable in the circumstances. The officers' justification of the accused' odd behaviour and that the accused may have a mental health disability cannot support a strip search. To denounce the police misconduct and to preserve the integrity of the justice system, a stay of proceedings was warranted.[406]

On June 7, 2020, the complainant was walking her dog when a man reached out towards her groin. As she walked by, he slapped her buttocks. A few minutes later, two police officers arrived on the scene, and the complainant pointed out a man – the accused – who she believed to be the perpetrator. The officers' testimony indicated that as they approached the accused, he was masturbating. Due to the uncertainty about the accused's identity and his strange behaviour, the officers requested authorization for a strip search. During the strip search, the accused was permitted to take off his own clothes in a private room while the officers were present. The accused agreed that the complainant was subjected to sexual assault, but denied that he was the perpetrator and also denied masturbating as the officers approached him.[407]

The Court found that the complainant's identification of the accused as the perpetrator was reliable and accurate. The accused's evidence was not accepted where it was not supported by other evidence, and the judge noted that he was not a credible witness. However, the officer who authorized the strip search did not testify. Thus, the Crown failed in discharging its burden of providing subjective reasonable and probable grounds for the strip search.[408]

405 *Mullings*, *supra* at para 4.

406 *Smith*, *supra* at paras 76–77.

407 *Ibid* at paras 35–36.

408 *Ibid* at paras 60–62.

The officers claimed that the accused's strange behaviour justified a strip search; however, the judge noted that "[a]s concerns his odd behaviour, the police suspected that [the accused] might be suffering from some mental illness. The presence of mental illness cannot support the serious invasion of a detainee's privacy that is a strip search."[409] The Court concluded that the strip search was a flagrant violation of the accused's *Charter* rights, and a stay of proceedings was deemed to be the appropriate remedy.

R v Wong, 2022 ONCJ 566

In *R v Wong*, the Ontario Court of Justice concluded that a stay of charges was warranted after the accused was unreasonably subjected to an invasive and humiliating strip search.[410] The Court found that the strip search was ordered as a precautionary measure, without any evidentiary basis to believe the accused was carrying drugs or weapons, rendering such an intrusive search unjustified.[411]

On October 23, 2019, the accused was stopped by the police after making a prohibited left turn. After running the accused's license plate through police databases, the officers discovered that there was an outstanding warrant for the accused's arrest for "trafficking a substance". The officers informed the accused of the reason for the stop and subsequently arrested the accused. The accused was subjected to a pat-down search at the roadside in front of the scout car camera, and no items of concern was recovered. The search was mostly executed by a male officer, but a female officer assisted in the search to a limited degree. One of the officers was taking notes about the arrest and inputting details into the computer, resulting in a delay in providing the accused with his rights to counsel.[412]

The accused was strip searched at the station because the nature of the offence was drug-related. The Court held that "…the existence of a drug trafficking allegation cannot, automatically and always equate to reasonable grounds to strip search a person. Each case must be assessed on its individual facts." The accused's case "…received no individual assessment of the facts."[413] The Court found that the police fundamentally misunderstood their constitutional obligations. The breaches of the accused's *Charter* rights were serious, and the unreasonable strip search was deemed to have had a traumatic impact on the accused and the justice system. The judge noted that "[p]olice have significant power over other human beings. When that power is exacted over the intimate bodily integrity of another human being, wrongly, carelessly, and baselessly, the repute of the whole justice system suffers."[414]

A stay of proceedings was ordered. The judge noted that a lesser remedy would not redress this prejudice and would be detrimental to the integrity of the justice system.[415]

409 *Ibid* at para 69.
410 *Wong*, *supra* at para 56.
411 *Ibid* at para 93.
412 *Ibid* at para 80.
413 *Ibid* at paras 87–88.
414 *Ibid* at para 100.
415 *Ibid* at para 114.

R v Martin, 2022 ONCJ 170

In *R v Martin*, the Ontario Court of Justice found that the accused's ss. 8, 10(a), and 10(b) *Charter* rights were violated when the police conducted a strip search without proper grounds, and for failing to abide by their procedural and constitutional obligations. The evidence was excluded, which included breathylzer readings, hash and psilocybin. The charges against the accused were dismissed.[416]

On April 5, 2020, a concerned citizen called the police to report that the accused was driving erratically. Subsequently, the accused was arrested for a drinking and driving offence. When the police searched the accused incident to the arrest, they found several types of drugs on the accused's person and in his vehicle, so they arrested him for drug possession as well. At the police station, the accused provided breath samples and was subjected to a strip search. The police had information that the accused had outstanding firearm charges, but the booking-in officer testified that he would have authorized a strip search solely based on the drug charges. The police did not clearly advise the accused of all of the charges against him.[417]

The Court found that the police conducted the strip search without proper grounds, failed to keep adequate notes about the search, and did not consider less intrusive alternatives to a strip search. These deficiencies constituted a flagrant breach of the accused's rights. The accused's s. 8 rights were violated by the police ordered that the accused be strip searched pursuant to the officer's "...long-standing routine practice of authorizing strip searches of all persons who are charged with drug offences. He does not seem to consider any other factors in a meaningful way if the person is charged with a drug offence". [418] Additionally, a lack of clear communication between the officers resulted in a failure to advise the accused of the charges against him. Without understanding the charges against him, the accused was unable to fully exercise his rights to counsel.[419]

The Court concluded that "...the breaches resulted from carelessness, lackadaisical consideration of [the accused's] rights under the *Charter*, and from ignoring many years of the courts' pronouncements on strip searches carried out as a matter of routine practice." [420] The evidence was excluded. However, on appeal, a new trial was ordered. The Superior Court of Justice did not take issue with the trial judge's findings that ss. 8, 10(a) and 10(b) were breached. However, it held that trial judge erred by excluding all the evidence; the observations made by police should not have been excluded from the evidence.[421]

R v Hassan, 2023 ONSC 1300

In *R v Hassan*, the Superior Court of Justice excluded evidence after finding that the police's *Charter*-infringing conduct was particularly serious. Arresting the accused without any reasonable grounds was unlawful, and consequently, the search incident to arrest of the accused and the strip search at the station were invalid. The multiple breaches of the accused's *Charter* rights were exacerbated by police misconduct, warranting a remedy that dissociated the justice system from such conduct.[422]

The police were participating in a proactive crime-reduction initiative in a high-crime neighbourhood in Toronto when officers involved noticed activity in a nearby park that drew their attention. In cross-examination, an officer agreed that their observations of the activity in the park did not suggest criminality, but the officers decided that further investigation was warranted.[423]

416 *Martin*, *supra* at para 290.

417 *Ibid* at para 233.

418 *Ibid* at para 197.

419 *Ibid* at para 238.

420 *Ibid* at para 287.

421 *Ibid* at para 290.

422 *Hassan*, *supra* at para 134.

423 *Ibid* at para 14.

After deciding to conduct a foot patrol of the park, the officers observed two men running out of the park. An officer testified that he believed they were running from the uniformed police officers, providing enough grounds for an investigative detention. The officers approached the men, and the accused turned around, looked at their van, and dropped a satchel. The officers heard a metallic sound and believed there was a firearm in the satchel. The accused was arrested, and a firearm was recovered after his satchel was searched. At the police station, the accused was subjected to a strip search. After three and a half hours, the accused was afforded an opportunity to consult counsel but was not given privacy to do so.[424]

The Court found that the police proceeded with an arrest despite lacking any grounds, demonstrating a clear disregard for the accused's protection against arbitrary detention. In turn, the subsequent searches were invalidated. Additionally, the judge concluded that the delay in providing access to counsel was a significant violation of the accused's *Charter* rights. The Court noted that these violations were amplified by the dishonest testimony that was provided by the officers. The Court reasoned that the flagrant disregard for the accused's rights amounted to bad faith.[425]

Given the severity of the *Charter* violations, the evidence was excluded and the accused was acquitted of all counts.[426]

424 *Ibid* at para 82.

425 *Ibid* at paras 113 and 119.

426 *Ibid* at para 136.

R v Bailey, 2023 ONSC 2490

In *R v Bailey*, the Superior Court of Justice excluded evidence after finding that a second strip search of the accused was unjustified, violating his section 8 *Charter* right to be free from unreasonable search and seizure.[427] Without additional or convincing evidence to justify a second strip-search, the police breached the accused's rights by unnecessarily exposing the accused's most private areas of his body a second time.

The accused was arrested and charged with first-degree murder. He was strip searched at the Kawartha Lakes Police detachment where he was arrested, and nothing was recovered from the search. After being transported to 42 Division in Toronto, the accused was strip-searched again. The authorizing officer claimed that the second strip search was justified because he was unsure if the first strip search was conducted thoroughly.

The Court found that the authorizing officer's reasons did not objectively justify a second strip search. The judge reasoned that "...a second strip search should presumptively be a violation of s. 8 unless the Crown establishes by compelling evidence a reasonable justification for why a second one was necessary. Not merely that it was convenient or done out of an abundance of caution."[428]

The Court noted that any time the police unnecessarily exposes the most private and intimate areas of a person's body without the requisite grounds, it constitutes serious state misconduct.[429] Although the judge found that the officer was not acting for a racially biased purpose, the Court emphasized that the racial context of this strip search should not be ignored.[430] Given the seriousness of the violation and the police misconduct, the evidence was excluded.

II. SYSTEMIC ISSUES

Systemic issues explicitly identified by judges

In several of the cases in our dataset, systemic issues were explicitly identified by judges regarding the TPS. These issues include:

1. Racial profiling
2. Unlawful strip searches
3. Delays in bringing an accused person before a judge within 24 hours
4. Failure to respect the right to counsel of choice
5. Failing to inform accused persons of their right to counsel without delay
6. Failing to provide accused persons privacy when speaking with counsel in 53 Division
7. Accessing young offender fingerprints outside of the permitted access period
8. Failing to provide adequate translation services
9. Lack of training provided to officers on the *Access to Cannabis for Medical Purposes Regulations*
10. Training issues on whether to hold accused for a bail hearing
11. Lack of training in dealing with detainees with mental health disabilities and the use of therapy support dogs
12. Failing to adhere to temporal limits of a search warrant by tech crime officers

427 *Bailey*, *supra* at para 21.

428 *Ibid* at para 21.

429 *Ibid* at para 27.

430 *Ibid* at para 34.

Potential Systemic Issues

Our analysis of cases also suggests there may be systemic issues regarding police lying or providing false testimony and unlawful investigations into alleged child pornography.

Racial profiling

Although *R v Byfield* is a racial profiling case involving the Peel Regional Police, the Superior Court of Justice stated the following about the Toronto Police in its 2023 decision[431]:

> Black people are more likely to be arrested, charged, and overcharged by Toronto police. Black people are more likely to be struck, shot or killed by Toronto Police. The manner in which Black communities are subjected to a disproportionate burden of law enforcement is consistent with systemic racism and anti-Black bias.

Unlawful strip searches

As noted above, we found thirteen cases where the courts found that the Toronto police conducted strip searches unnecessarily or without reasonable grounds.[432] Although the cases demonstrate a systemic issue, it appears to have been addressed by TPS policies and procedures.

In 2016, the Court of Justice highlighted troubling systemic issues at 32 Division, finding that officers strip searched accused persons in the absence of reasonable and probable grounds, as a matter of standard procedure, without authorization or proper recording. In *Im*, the searching officer made the accused remove his pants, exposing his undergarments, despite admitting that he had no grounds to believe the accused had anything concealed on his person. The officer testified that he strip searched detainees as a matter of "standard procedure." The Court found that senior officers taught the searching officer to follow this procedure. The searching officer had conducted at least 100 searches in this manner, and presumably had other officers with him for most, if not all of them. The Court described the officers' conduct in violating the accused's s. 8 rights as "egregious" and stated "[d]espite the clear direction from the Supreme Court, numerous lower court rulings and the TPS's own policy, officers at 32 Division still do not seem to understand the limits on their authority to conduct strip searches."[433]

In 2018, the Court of Justice in *R v Grant* found that officers breached a Black man's s. 8 rights when they subjected him to an unlawful strip search. The officers at 42 Division testified that they strip searched the accused because they found cocaine on him.

431 *R v Byfield*, 2023 ONSC 4308 at para 74 [*Byfield*].

432 *Balak, supra* at para 63; *Perinpanathan*, *supra* at paras 55–58; *Gayle*, *supra* at paras 26–27; *Im*, *supra* at para 22; *Bruce*, *supra* at para 46; *Uhuangho*, *supra* at para 142; *Mullings*, *supra* at para 37; *Smith*, *supra* at para 63; *Wong*, *supra* at para 86; *Martin*, *supra* at paras 197–198; *Bailey*, *supra* at paras 21–22; *Grant*, *supra* at para 29; *Abdelrahim*, *supra* at paras 40–43

433 *Im*, *supra* at para 6.

The officers testified that this was "routine policy" to strip search individuals found with drugs on their person. Alongside a finding that the officer's conduct was likely motivated by racial profiling, the Court stated:

> "[the] unprofessional and bad behaviour of the police continued with the strip search. The case of *Golden* was decided 17 years ago. There is no excuse for the officers to still be conducting routine strip searches. As noted at para. 83 of *Golden, supra*, "strip searches represent a significant invasion of privacy and are often a humiliating, degrading and traumatic experience for individuals subject to them and at para. 89, "strip searching is one of the most intrusive manners of searching and also one of the most extreme exercises of police power." [434]

In the same year, the Court of Justice in *R v Uhuangho* found that officers subjected the accused to an unlawful strip search, warranting a stay of proceedings. The accused was wearing a white religious cloak. Officers directed the accused to take off his pants in the presence of other police officers, though he did not wish to do so as it was contrary to his religious beliefs for the public to see him in his temple garments. The interaction was video recorded in an area without privacy. The accused did remove his pants, while officers smirked, laughed and left him in a state of undress during the rest of the booking process. The Court found that the accused's religious views added to the humiliation of the circumstances. The Court reiterated the findings made in *IM*, stating:

> *"Golden* was released by the Supreme Court more than 17 years ago. The law regarding strip searches is clear. There should be no "contention, confusion or uncertainty": *Im*, para. 27. Proceeding in the circumstances of this case would do further harm to the integrity of the administration of justice and lend "judicial condonation" to the impugned conduct. That is, the prejudice caused by the breach of the defendant's rights under s.8 of the *Charter* would be "manifested, perpetuated and aggravated" if his trial is continued: *Judson*, para. 42."[435]

434 *Grant, supra* at para 33.

435 *Uhuangho, supra* at para 122.

In 2019, the Court found that this issue persisted. The accused in *R v Mullings*, was a pregnant Black woman. The Court found officers subjected her to a degrading strip search, requiring her to perform squats while naked from the waist down. The officers seized her bra and did not give her a replacement to wear in detention. Male officers in the vicinity could overhear the search. The officers involved testified that either all or nearly all detainees held for show-cause hearings are strip searched, and that this practice had not changed since post-2001. In describing the Toronto police's failure to follow the dictates of the Supreme Court, the Court stated that "[t]he overall evidence both from this case and the wider police community is that the principles in *Golden* are not being heeded and that detainees are too frequently unduly subject to highly intrusive unlawful searches. These are searches that in the eyes of many may amount to sexual assaults, particularly when unjustified and beyond the scope of what is reasonable in the situation."[436]

The issue of unlawful strip searches persisted, and multiple courts commented on the troubling systemic nature of the issue between 2021 and 2023.[437] Each case emphasized that the legal test established by the Supreme Court in *Golden* was not new law, and that officers of the Toronto Police Service continued to perform strip searches of individuals as a matter of routine procedure, ignoring over 20 years of appellate court pronouncements that clearly prohibited such searches.

In *Breaking the Golden Rule*, the Law Office of the Independent Police Review Director identified 40 reported unconstitutional strip search cases decided between 2002 and 2018 involving the Toronto Police Service. Many of these cases are in our dataset. The 40 cases were, by far, the highest number of cases in Ontario.[438]

It appears that TPS policies and practices have changed. As the Ontario Superior Court of Justice noted in *R v SC*, a case which involved unlawful strip searches at private youth detention facilities, the TPS instituted a new policy in 2024 about strip searches in custody of people under arrest, which cites *Golden* [439]:

> Stronger grounds are required as the level of intrusiveness of a search increases. A Protective search and Frisk search must be completed prior to any Strip search being conducted. The searching officer must obtain authorization from the Officer in Charge to determine if there is reasonable and probable grounds to authorize a Strip search. The more intrusive the search the more justification is required, and officers must be able to articulate the need for the more intrusive search (see Appendix B).
>
> *Strip searches shall not be conducted on persons brought into custody by Toronto Police officers based solely on the grounds that the person may come into contact with other persons in custody. Accordingly, persons in custody who have been Frisk searched are no longer restricted from being placed with those who have been Strip searched.*

436 *Mullings*, *supra* at para 47.

437 *Smith*, *supra*; *Wong*, *supra*; *Martin*, *supra*; *Bailey*, *supra*.

438 Office of the Independent Police Review Director, *Breaking the Golden Rule: A Review of Police Strip Searches in Ontario* (Toronto, Office of the Independent Police Review Director, 2019) at 36.

439 *R v SC*, 2025 ONSC 1887 at para 64 [*SC*].

Delays in bringing an accused person before a judge within 24 hours

In the 2022 decision in *R v Musara*, the Court of Justice found that officers in 23 Division were unable to bring the accused before a justice within 24 hours in 2019, contrary to s. 503 of the *Criminal Code*, resulting in a s. 9 breach. The Court concluded that some of the reasons for this inability "seemed beset by systemic barriers that delay the speedy processing of detainees."[440] The Court cited *R v Noor*, another case in our data set, decided by the Court of Justice in 2022, where the Court found that this same systemic issue has been ongoing for "close to 20 years,"[441] describing a "culture of complacency"[442] amongst Toronto Police Service officers toward accused's s. 503 rights and the officer's obligations in upholding them.

> More recently in 2025, the Court of Justice ordered a stay of proceedings in *R v Patel*, finding that officers breached the accused's ss. 7, 9 and 10(b) rights in 2023. Concerning the s. 9 breach, the accused was not brought before a justice within 24 hours of his arrest, contrary to s. 503 of the *Criminal Code*. The Court concluded that this was a result of a longstanding systemic problem in the Toronto Police Service, in which officers have continually failed to comply with this provision of the *Criminal Code*[443].

Failure to respect the right to counsel of choice

Police have a duty to provide an individual who has been arrested or detained with a reasonable opportunity to consult counsel of their choice. We identified five cases where courts have highlighted a systemic problem with officers "steering" or "channelling" accused to duty counsel.[444] The systemic nature of the breaches in each of these cases exacerbated the seriousness of the s. 10(b) violations.

The Court of Justice in *R v Williams* found that an accused's s. 10(b) rights were breached by officers when officers did not advise the accused that she had the option of speaking to any lawyer other than duty counsel, stating that "[t]he police went into the automatic pilot bred by a systemic approach of steering suspects in a direction that is easy for them."[445] The Court in *R v O'Shea* reiterated this same finding. The Court found that on November 19, 2016, officers took the same systemic approach, despite the accused making it abundantly clear that she wanted to speak to her private lawyer; the officer channelled her to duty counsel.[446]

The Ontario Court of Justice in *R v Gao* found that on November 7, 2016, Toronto police officers breached an accused's s. 10(b) rights when they funnelled him to duty counsel, without advising him of his right to contact a lawyer of his choice. The Court emphasized that: "[c]ounsel of choice is a very straightforward, and now very understandable, logical and simple right, the scope of which should be well known to all police officers. This should no longer be an area of uncertainty for them, given the number of reported cases over the last several years about channelling, streaming or deferring to duty counsel."[447]

In *R v Della-Vedova*, the Court of Justice found that when officers pulled over the accused on October 29, 2016 for speeding and detected an odour of alcohol on his breath, they arrested him and seized his phone, limiting his ability to contact others for legal assistance. The accused spoke briefly with duty counsel, believing it was his only option. The Court found that the Toronto Police Service had a policy of controlling detainees' means of contacting counsel and channelling them towards duty counsel.[448] Similar findings in a more recent case align with these same systemic concerns.[449]

440 *R v Musara*, 2022 ONSC 3190 at para 427 [*Musara*].

441 *R v Noor*, 2022 ONCJ at para 50 [*Noor*].

442 *Ibid*, at para 51.

443 *R v Patel*, 2025 ONCJ 173 at paras 304, 305 and 313 [*Patel*].

444 *R v Williams*, 2018 ONCJ 458 [*Williams*]; *R v Aman* [2018] OJ No 325 [*Aman*]; *R v Gao*, [2018] OJ No 2334 [*Gao*]; *R v Della-Vedova*, [2018] OJ No 1596 [*Della-Vedova*]; *R v O'Shea*, [2018] ONCJ 431 [*O'Shea*].

445 *Williams*, *supra* at para 46.

446 *O'Shea*, *supra* at para 56.

447 *Gao*, *supra* at para 116.

448 *Della-Vedova*, *supra* at para 68.

449 *R v Daniels*, 2025 ONSC 344 at para 59 [*Daniels*].

Failing to inform accused people of their right to counsel without delay

In 2019, the Ontario Court of Justice in *R v Khan* found that on September 24, 2013 police failed to facilitate the accused's access to counsel until 6 hours after his arrest, resulting in a violation of his s. 10(b) rights to counsel.[450] The Court described institutional issues[451]:

> The failure on the part of the police to allocate appropriate resources to facilitating rights to counsel in a large-scale investigation like this reveals a complete disregard, at an institutional level, for the Constitutional rights of the individuals being arrested.

More recently, in 2023, the Court of Justice in *R v Bogdanic*, and the Superior Court of Justice in *R v Pashazahiri*, found that the failure of officers to provide the accused with their s. 10(b) rights "without delay" appeared to indicate a systemic problem within the Toronto Police Service, reflective of the same systemic problem found in Peel Region by the Ontario Court of Appeal.

In *R v Bogdanic*, the police conduct occurred in December 2021. In *R v Pashazhiri*, the police engaged in similar conduct in June 2022, only 6 months later. The Court in *Bogdanic* stated "[b]reaches of this nature appear to be systemic. Since 2013, in both the Peel and Toronto regions, I have heard many officers testify that "without delay" *means as soon as practicable*. Some have even testified that it means *as soon as practical.*"[452] Both courts highlighted several Toronto cases that exposed the pervasiveness of this problem, exposing a misunderstanding of the applicable legal standard amongst Toronto Police Service officers.[453]

The systemic nature of the breach in each case rendered the s. 10(b) violations more serious.

There also appears to be a systemic issue relating to officer's failure to provide rights to counsel during impaired driving investigations. Seven of the cases in which courts identified systemic concerns regarding the right to counsel of choice and the failure to inform accused people of their s. 10(b) rights without delay arose in the impaired driving context.[454] In addition, our dataset includes 14 other impaired-driving cases in which courts found serious s. 10(b) violations and excluded as a result.[455]

Taken together, this amounts to 21 impaired driving cases in which officers failed to comply with s. 10(b), suggesting a potential broader systemic pattern specific to impaired driving investigations.

450 *R v Khan*, 2019 ONSC 2617 at paras 28, 39, 41 and 49 [*Khan*].

451 *Ibid*, at para 28.

452 *R v Bogdanic*, 2023 ONCJ 358 at para 46 [*Bogdanic*].

453 *Ibid* at para 46; *R v Pashazahiri*, 2023 ONSC 6610 at para 55 [*Pashazahiri*].

454 *Williams*, *supra*; *Aman*, *supra*; *Gao*, *supra*; *Della-Vedova*, *supra*; *Bogdanic*, *supra*; *O'Shea*, *supra*; *R v Jia*, 2018 OJ No 5965 [*Jia*].

455 *R v Gordon*, 2015 OJ No 3270 [*Gordon*]; *R v Ramkalawan*, 2015 ONCJ 355 [*Ramkalawan*]; *R v Bacchus*, [2016] OJ No 6528 [*Bacchus*]; *R v Cha*, 2016 OJ No 6145 [*Cha*]; *R v Bobryshova*, 2016 ONCJ 264 [*Bobryshova*]; *R v Kuviarzin*, 2018 ONCJ 263 [*Kuviarzin*]; *R v Coelho*, 2018 ONCJ 244 [*Coelho*]; *R v Kiritpal*, 2019 ONCJ 434 [*Kiritpal*]; *R v Sahni*, 2019 OJ No 1050 [*Sahni*]; *R v Wu*, 2019 OJ No 3098 [*Wu*]; R *v Kalyanaramier*, 2020 ONCJ 348 [*Kalyanaramier*]; *Martin*, *supra*; *R v Koralov*, 2022 ONCJ 582 [*Koralov*]; *R v Scott*, 2024 ONSC 3667 [*Scott*].

Failing to provide accused persons privacy when speaking with counsel in 53 Division

In *R v Hassan*, the Court of Justice found that officers at 53 Division failed to provide the accused privacy when he spoke to duty counsel in 2022 the cells of the booking area, violating his s. 10(*b*) right to counsel – which entails that police officers have a duty to ensure that an accused is able to consult counsel in private. The Court emphasized that even in the "best-case scenario," detainees at 53 Division making calls from the cell area lacked privacy in an environment that was "totally unacceptable": their conversations could be overheard, their cell door was open, and a camera was pointed directly at them, resulting in a reasonable apprehension of fear that their conversation may be overheard. The systemic nature of this problem was confirmed by the fact that 53 Division later built a soundproof phone booth to fix these deficiencies. However, at the time of Mr. Hassan's detention, the lack of privacy in 53 Division was systemic.[456]

Accessing young offender fingerprints outside of the permitted access period

In *R v MO*, the Superior Court of Justice held that Toronto Police unlawfully accessed the accused's fingerprints and identifying records taken when he was a young offender, in violation the s. 123(1)(a) of the *Youth Criminal Justice Act* and s. 8 of the *Charter*. This occurred when the Toronto Police searched the database in 2014 and matched fingerprints from a crime scene with the accused's fingerprints taken six years earlier. The Court noted that the provision regarding access is "crystal clear," and that the breach of s. 8 was serious and indicative of "institutional or systemic indifference that has resulted from long-standing [Toronto Police Service] policies" that have failed to prevent this type of unlawful access.[457]

Failing to provide adequate translation services

In *R v Xue*, the Court of Justice found that an officer breached the accused's s. 10(b) rights during a traffic stop on September 27, 2016. The officer decided that, due to the language barrier between himself and the accused, it would be meaningless to give the accused his rights to counsel at the roadside. The Court found that had Toronto Police Service made translation services available to frontline officers, this could have easily resolved the language barrier.[458]

Similarly, in 2018, the Ontario Court of Justice in *R v Jia* noted that police policy and procedure created "a series of systemic failures" in s. 10(b) obligations to an accused who received "shockingly bad translation" from a Mandarin-speaking officer on March 16, 2016. This resulted in "no effective communication between the accused and the officers."[459]

Lack of training provided to officers on the Access to Cannabis for Medical Purposes Regulations

In *R v St. Clair*, the Ontario Court of Appeal found that the Toronto Police Service's lack of training on the *Access to Cannabis for Medical Purposes Regulations* constituted an "institutional failing." On August 9, 2017, the accused had produced a MedReleaf card, and the officer believed the card to be fake and concluded that the accused was not licensed to possess marijuana, though he was mistaken. The officer stated he had not read the *Regulations*, nor had he been briefed on them, and was unaware of their provisions. This led to the accused's unlawful arrest and detention, violating his ss. 9 and 8 *Charter* rights, respectively.[460]

456 *Hassan*, *supra* at paras 74, 81 and 84.

457 *R v MO*, 2017 ONSC 1213 at paras 29 and 24 [*MO*].

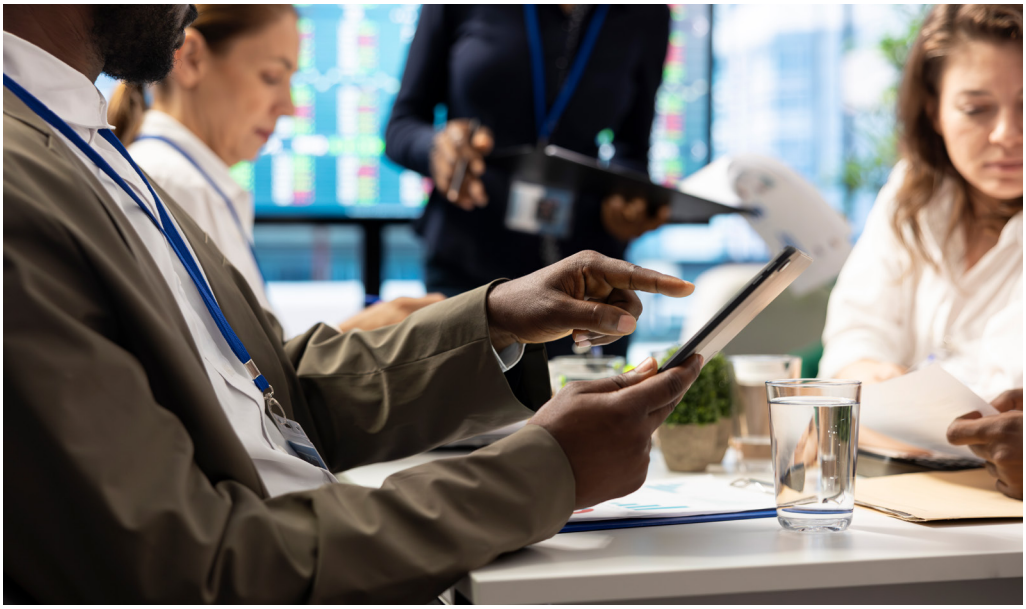
458 *R v Xue*, [2016] OJ No 7255 at paras 11 and 19 [*Xue*].

459 *Jia*, *supra* at paras 14 and 27.

460 *R v St. Clair*, 2021 ONCA 895 at para 42 [*St. Clair*].

Training issues on whether to hold accused for a bail hearing

In *R v Sabatini*, the Court of Justice found that on March 15, 2014, Toronto Police Service officers detained the accused for a bail hearing solely because she was an American citizen residing in Canada, contrary to the factors in s. 498 of the *Criminal Code*, which indicate that accused do not need to be held for a bail hearing simply because they are non-citizens. This unlawful detention resulted in a serious breach of the accused's s. 9 rights. In determining that a stay was the appropriate remedy, the Court found a clear, ongoing, systemic training issue in the Toronto Police Service regarding the factors officers must consider when deciding whether to release a person from the station or hold them for a bail hearing.[461]



Lack of training in dealing with detainees with mental health disabilities and the use of therapy support dogs

In *R v O'Shea*, the Court of Justice found that when officers arrested the accused for impaired driving on November 19, 2016, they missed obvious signs that she had a mental health disability. The officers violated her s. 7 rights by not immediately seeking medical attention and failing to treat her with dignity and respect. The officers separated the accused from her therapy dog, which the Court described as having a "devastating impact" on her mental distress and emotional state.

> The Court found that the officers' lack of training to deal with detainees with mental health disabilities and the use of therapy dogs "is a systemic problem."[462]

The systemic nature of the breach aggravated its seriousness.

461 *R v Sabatini*, 2015 ONCJ 282 at paras 58 and 60 [*Sabatini*].

462 *O'Shea*, *supra* at para 57.

Failing to adhere to temporal limits of a search warrant by tech crime officers

In *R v Musara*, the accused was charged with sexual assault and offences related to human trafficking of an 18-year-old girl. Toronto police officers obtained a search warrant to search the accused's cell phone. The Superior Court of Justice found that an officer violated the accused's s. 8 rights when he conducted an extraction and examination of the phone on July 29 to July 30, 2020. He captured photographs of different screens of the accused's phone which contained data that was outside of the date range set out in the search warrant.[463] The Court stated:

> "Aside from the negligence demonstrated by [the officer], looking at it from a broader perspective, the s. 8 breach is grave. [The officer] testified that doing this was standard practice. Moreover, he instructs and trains others in his field. While perhaps this attitude and conduct by [the officer] is confined to his own specific practice, the nature of his testimony leads me to be concerned about a greater systemic issue. If forensic officers routinely do not adhere to temporal limits in a search warrant because they are purportedly only collecting the data for verification or validation purposes, the court must dissociate itself from this practice."[464]

Police lying or providing false testimony

Several of the above-noted cases signal that there may be systemic issues in relation to TPS officers lying or providing false testimony. As noted above, we identified five cases where officers lied or provided false testimony. Two of the five cases involved multiple officers lying or providing false testimony. Noble cause corruption may help partially explain this deceptive conduct, which may be indicative of aspects of police culture, where officers seek to mask their misconduct as legitimate to promote public safety.[465]

Unlawful investigations into alleged child pornography

There may be systemic issues when the Toronto Police Service are investigating alleged possession of child pornography. The cases reveal troubling concerns about systemic deficiencies in TPS investigations of alleged child pornography, highlighting how police overreach and disregard for *Charter* safeguards have undermined the integrity of prosecutions.

> We identified nine criminal court decisions where police breached accused persons' *Charter* rights while conducting investigations into alleged child pornography.[466] In six of those cases, the Court excluded reliable evidence of child pornography from trial because of unlawful officer conduct.[467] In two of these cases, the accused was acquitted.[468] This points to a grave systemic failure: prosecutions involving the sexual exploitation of children are collapsing not because allegations lack seriousness or evidentiary foundation, but because TPS investigations have overstepped or misstepped, and breached fundamental *Charter* rights. This is a critical issue related to public confidence in this justice system and public safety.

463 *Musara*, *supra* at para 215.

464 *Ibid* at para 220.

465 See Chapter 2 – Literature Review,

466 *R v Hawryluk*, 2018 ONSC 710 [*Hawryluk*]; *R v Adler*, 2020 ONCA 246 [*Adler*]; *Daniels*, *supra*; *R v El-Halfawai*, 2021 ONCJ 462 [*El-Halfawai*]; *R v Cofell*, 2024 ONSC 7151 [*Cofell*]; *Patel*, *supra*; *R v Simpson*, 2020 ONSC 7862 [*Simpson*]; *R v Azonwanna*, 2020 ONSC 5416 [*Azonwanna*]; *R v McSweeney*, 2020 ONCA 2 [*McSweeney*].

467 *Simpson*, *supra*; *Azonwanna*, *supra*; *McSweeney*, *supra*; *Hawryluk*, *supra*; *Adler*, *supra*; *Daniels*, *supra*.

Judges raised issues about misguided understandings of privacy interests, a lack of care, ignorance and wilful disregard of accused's *Charter* rights. *R v Hawryluk* involved misguided understandings of the accused's privacy interest in his cellphone. *R v Azonwanna* involved a lack of care for *Charter* rights on the part of the investigating Detective. *R v Adler* resulted in an acquittal, after the Court found police intentionally disregarded the accused's rights throughout a "litany of breaches". *R v McSweeney* involved police wilfully disregarding the accused's s. 10(b) rights. Finally, *R v Daniels* involved four independent breaches of s. 10(b), representing a "serious and unreasonable inattention to the requirements of s. 10(b) by the police.

In 2018, the Superior Court of Justice in *R v Hawryluk* found that, during an lawful search of the accused's apartment pursuant to a warrant, an officer unlawfully searched the contents of the accused's cell phone, finding photographs related to child pornography. The Court found the officer could have obtained a warrant to search the cell phone lawfully, but did not. The officer had to navigate two separate applications on the accused's phone, open them, search for the evidence, and then close them. The Court found that the officer's belief that the accused's privacy interest in his phone was reduced because it was unlocked was misguided. Further, the officer's notes did not reference time or details of the search. The Court held that this constituted a serious breach of the accused's s. 8 *Charter* rights and excluded the evidence.[469]

In *R v Azonwanna*, the accused was charged with sexual assault and making child pornography. The Superior Court of Justice found that the accused's ss. 7 and 10(b) rights were breached on December 15, 2016. Concerning the s. 7 breach, the Court found that statements made by the accused were obtained in breach of his right to silence, as the Detective interviewing him induced him to hand over his phone. The Court stated that the words of the Detective could be understood by the accused as saying two things to him:

> "(i) that if he did not give the cell phone number so that the police could remove the fellatio video from his phone, then he was facing further jeopardy for possessing child pornography; and, (ii) that if he did give the cell phone number, so that the police could remove the video from his phone, the child pornography aspect of the investigation would be resolved."[470]

The Court also found that the Detective violated the accused's s. 10(b) rights twice. First, when the Detective did not offer him a further opportunity to consult with counsel when the accused repeatedly expressed he did not understand his rights after speaking with duty counsel. Second, when the Detective did not offer the accused a further opportunity to consult with counsel when he requested the accused's phone password.[471] The Court found the Detective's conduct exemplified a "lack of care about *Charter* rights."[472] The Court found that the breaches were serious and excluded the accused's statements.

In 2020, the Ontario Court of Appeal in *R v Adler* allowed an appeal by the accused from convictions for possession of child pornography, making child pornography, and sexual assault due to the police's unlawful conduct, described as a "litany of breaches" reflecting "sweeping ignorance by the police of the appellant's constitutional rights."[473]

468 *Adler*, *supra*; *Daniels*, *supra*.

469 *Hawryluk*, *supra*.

470 *Azonwanna*, *supra* at para 127.

471 *Ibid* at paras 155 and 156.

472 *Ibid* at para 188.

473 *Adler*, *supra* at para 42.

The Court found that the officers committed multiple, serious *Charter* breaches on August 25, 2016. The breaches included a late s. 10(b) warning, an unauthorized strip search, an unconstitutional "bedpan vigil" in his cell (in hopes they could recover a memory card swallowed by the accused), a warrantless home entry, and an invalid tele-warrant that resulted in unauthorized searches of the accused's devices. The Court stated that: "[t]he conclusion that the police were reckless regarding the appellant's rights is the most favourable view one could take of the actions of the police. Viewed unfavourably, the police could be seen as intentionally disregarding the appellant's rights, due to a particularly negative reaction to the appellant's actions and the "type" of person he is."[474] The accused was acquitted.

Again in 2020, the Ontario Court of Appeal in *R v McSweeney* allowed the accused's appeal from his convictions for possession and distribution of child pornography and ordered a new trial. The Court found that the accused's s. 10(b) rights were breached by officers when they detained the accused at his residence and did not inform him of his right to counsel before his arrest or before he gave a pre-arrest statement on June 15, 2016. The accused was sequestered in the living room, without his phone or other electronic devices, and then directed to the kitchen to speak to an officer. Instead of cautioning him, the officer pursued a tactical and focused interrogation and ignored the accused's statement that he did not want to say anything, and that it was clear he wanted to speak to a lawyer.[475] The Court described the breach of s. 10(b) as "serious and amount[ed] to wilful disregard" of the accused's *Charter* rights.[476] The statements obtained were excluded from trial.

In 2025, the Superior Court of Justice in *R v Daniels* found officers breached the accused's ss. 8 and 10(b) rights on August 4, 2021. The accused faced child luring offences based on Skype chats that were discovered during a search of his devices seized from his residence, pursuant to a warrant related to a child pornography offence. The Court found that officers breached his s. 8 rights when they obtained and used his IP address without prior judicial authorization and then conducted an overbroad search of his electronic communications, beyond the scope of the search warrant.[477] The s. 10(b) breaches were more serious. The Court found four independent breaches of s. 10(b), which included [478]:

1. An initial delay to inform the accused of his right to counsel upon detention;
2. The failure to ask if he wanted to call a lawyer "now" upon arrest, where the accused was waiting in his living room for more than an hour while under arrest, with no ability to access legal advice;
3. A lengthy delay in implementing the right to counsel, which resulted from waiting to transport the accused to the police station; and
4. Insufficient attention to the right to contact counsel of choice.

The Court was particularly concerned about the officers' treatment of the accused's right to counsel of choice. One officer was described as "very cavalier in moving directly to contacting duty counsel," while another officer appeared to have "simply ignored" the accused when he made comments that should have alerted the officers that he still wished to speak to counsel of choice despite having already spoken to duty counsel. As a result of the breaches, the Court ordered the exclusion of evidence, leading to the accused's acquittal.

474 *Ibid* at para 44.

475 *McSweeney*, *supra* at para 42.

476 *Ibid* at para 80.

477 *Daniels*, *supra* at paras 21 and 51.

478 *Ibid* at para 30.

05

Recommendations

Enhancing police accountability and integrity is primarily meant to establish, restore or enhance public trust and (re-)build the legitimacy that is a prerequisite for effective policing.

United Nations, Handbook on police accountability, oversight and integrity (2011)

05

Recommendations

In the previous chapters, we established that:

- The Toronto Police Service, Peel Regional Police, York Regional Police, Durham Regional Police Service, and Ottawa Police Service (the "Police Services") are frequently violating the *Charter*. The problem has persisted even after the police were notified of the problem by the Toronto Star in 2022.
- There are systemic issues at the Peel Regional Police and Toronto Police Service
- Police violations of the *Charter* have a devastating impact on public safety and public trust in polices

Police violations of the *Charter* must be addressed in a tangible and practical way by police, the provincial and federal government and oversight agencies. To enhance public trust, legitimacy and safety, there must be: monitoring, accountability, transparency and independent oversight. Systemic issues at the Peel Regional Police and Toronto Police Service must also be addressed.

MONITORING

Crown Prosecutors

The Public Prosecution Service of Canada (PPSC) "prosecutes cases under federal statutes that are referred to it by the Royal Canadian Mounted Police (RCMP), other federal investigative agencies, and provincial and municipal police forces."[1] The PPSC is "responsible for prosecuting all drug offences under the Controlled Drugs and Substances Act (CDSA)". Drug possession cases make up the highest percentage of its caseload.[2] Ontario Crown Prosecutors handle most *Criminal Code* charges (e.g. assaults, robberies, impaired driving, etc.).

> Crown Prosecutors are not required to tell Chiefs of Police when a court finds that police have violated the *Charter*, except in limited circumstances. They should have to provide this notice in all cases. Ontario's Ministry of the Attorney General and the Public Prosecution Service of Canada need to change this.

According to Ontario's Crown Prosecution Manual, where there is a "judicial finding or comment that an officer has been deliberately untruthful under oath", the Prosecutor must report it up the chain (to the Crown Attorney, then the Director, and the Assistant Deputy Attorney General, who tracks these cases). The Director must consider all the circumstances and decide whether the matter should be forwarded to the police. If so, the Director would send relevant transcripts and materials to the Chief of Police.[3] The same process must be followed if the Prosecutor becomes aware of "credible and reliable information that the officer has engaged in criminal misconduct, such as excessive use of force or there has been a judicial finding or comment that an officer has engaged in criminal misconduct."[4]

The PPSC process is broader than Ontario; it includes discrimination and "serious misconduct"[5] by police.

When Crown Counsel "is put on notice by the findings of a court that the court considers that a police witness has given misleading or inaccurate testimony or where the Crown counsel has a compelling basis for believing that it has occurred", Crown Counsel must advise their supervisor or manager in writing so the matter "will be referred to the police for possible investigation."[6]

The same process applies when a court makes a finding of discrimination or discrimination "can reasonably be inferred from judicial comments."[7] Finally, when a Prosecutor "becomes aware of an allegation of serious misconduct", the Prosecutor will inform their supervisor or designated person and request a copy of the transcript or decision if the allegation came up during judicial proceedings. The designated person will inform the appropriate body that has jurisdiction to investigate, which can be the management of the police, their professional standards unit, or an independent review or complaints body.

The designated person is also required to follow up with investigating body to confirm the status and outcome of the investigation.[8]

1 Public Prosecution Service of Canada, About us (retrieved from the website of the PPSC, January 12, 2026), *https://www.ppsc-sppc.gc.ca/eng/bas/index.html*

2 *Ibid.*

3 Ontario (Ministry of the Attorney General, Criminal Law Division), Crown Prosecution Manual, Prosecution Directive "Police" (effective 14 November 2017) at 113–14 ("Police as witness"), online: Ontario <*https://files.ontario.ca/books/crown_prosecution_manual_english_1.pdf*> accessed 14 December 2025.

4 *Ibid*

5 The allegation may relate to a single Crown witness, like a police officer. It may also relate to a systemic issue. "Determining whether a particular type of misconduct qualifies as serious is a judgement call that takes into consideration all the circumstances of the misconduct, the date when it occurred, its impact on the reliability and credibility of the Crown witness, and whether it has a realistic bearing on the case the accused has to meet, having regard to the subject matter of the current charges against the accused." Canada (Public Prosecution Service of Canada), Public Prosecution Service of Canada Deskbook, Guideline 2.13 "Allegations of Misconduct by Persons Involved in the Investigation of Charges" (12 August 2021), online: Public Prosecution Service of Canada <*https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p2/ch13.html*> *(accessed 14 December 2025*).

6 *Ibid*, Guideline 3.14 "Testimony of Police Officers and Police Civilian Agents" (1 March 2014; modified 6 January 2017)

7 *Ibid.*

8 *Ibid*, Guideline 2.13.

Following the 2022 release of *Unchartered,* the Toronto Star's Editorial Board called for provinces and territories to implement "reliable systems for alerting police forces and individual officers when courts find they have violated *Charter* rights."[9] Bryan Larkin, then Chief of the Waterloo Police Service and President of the Canadian Association of Chiefs of Police strongly supported such a system:

> I fundamentally support a system where police leaders are informed. We want to instill trust and confidence. We also want to put forth very strong criminal cases ... We don't want evidence excluded. We don't want charges acquitted, because we have a responsibility to the victim. We have a responsibility to the community.[10]

The Hamilton Police Service Board (HPSB) has demonstrated leadership in addressing police violations of the *Charter*. Among other things, its November 2025 policy directs the Chief of the Hamilton Police Service to "work with the Hamilton Crown Attorney's Office to establish a process to identify *Canadian Charter of Rights and Freedoms* violations that are believed to involve a police officer"[11]. However, notification should be formalized across Ontario by the Ontario Ministry of the Attorney General and Public Prosecution Service of Canada.

RECOMMENDATIONS

1. Within six months of the release of *Unlawful Enforcers*, the Ontario Ministry of the Attorney General should develop a process which requires Ontario Crown Prosecutors to provide written notification to Ontario Chiefs of Police of court decisions with findings of violations of the *Charter* involving police officers.
    - **A.** The written notification should be provided within 90 days of the release of the court decision
2. Within six months of the release of *Unlawful Enforcers*, the Public Prosecution Service of Canada should develop a process which requires federal prosecutors to provide written notification to Ontario Chiefs of Police of court decisions with findings of violations of the *Charter* involving police officerss.
    - **A.** The written notification should be provided within 90 days of the release of the court decision

9 Toronto Star Editorial Board, "Police must be told when courts condemn their violations of rights" (13 June 2022) The Toronto Star (online), online: <*www.thestar.com/opinion/editorials/police-must-be-told-when-courts-condemn-their-violations-of-rights/article_d11cd555-fad6-57f6-8fba-a96d0de1f42b.html*> (accessed 14 December 2025).

10 Rachael Mendleson & Stephen Buist, "Police officers across Canada are violating people's rights with alarming frequency: disturbing, unreleased video exposes cops stepping outside the law" (9 June 2022) The Toronto Star (online), online: <*https://www.thestar.com/interactives/police-officers-across-canada-are-violating-people-s-rights-with-alarming-frequency-disturbing-unreleased-video/article_1c3c578c-11e0-11ee-9fea-871fbc9bf7f6.html*> (accessed 14 December 2025).

11 Hamilton Police Service Board, Canadian Charter of Rights and Freedoms Reporting Policy, Policy P-028 (effective 26 June 2025; amended 27 November 2025)

Police Services

In the event the Ontario Ministry of the Attorney General and Public Prosecution Service of Canada fail to implement recommendations (1) and (2) respectively, the Police Services, Toronto Police Service Board, Peel Police Service Board, York Regional Police Services Board, Ottawa Police Services Board, and Durham Regional Police Services Boards (The "Police Service Boards") should develop processes, so the Chiefs of Police identify court decisions themselves. If a team of researchers and law students can find them on a limited budget, the Police Services and their lawyers can do it too.

RECOMMENDATION

3. Absent the implementation of recommendations (1) and (2), within one year of the release of *Unlawful Enforcers*, the Police Services Boards and Police Services should develop policies and procedures which require the Chiefs of Police to identify court decisions with findings of violations the *Charter* involving police officers

Law Enforcement Complaints Agency

The *Community Safety and Policing Act, 2019* requires Chiefs of the Police Services to notify the Complaints Director of the Law Enforcement Complaints Agency of officers who may have engaged in misconduct.[12] This helps provide a layer of independent monitoring and includes violations of the *Charter.*[13]

RECOMMENDATIONS

4. Within six months of the release of *Unlawful Enforcers*, the Police Services should provide notice of misconduct to the Complaints Director of the Law Enforcement Complaints Agency (LECA) based on the *Charter* infringing conduct described in this report

5. The Police Services should provide notice of misconduct to the Complaints Director of LECA based on court decisions with findings of violations of the *Charter* involving police officers

12 *Community Safety and Policing Act, 2019*, SO 2019, c 1, Sch 1, s 197(1).

13 O Reg 407/23, Code of Conduct for Police Officers, s 6(1).

ACCOUNTABILITY

Investigations into officer misconduct

> Court decisions with findings of violations of the *Charter* involving police officers must lead to investigations into officer misconduct, and discipline where appropriate. The regulations of the *Community Safety and Policing Act, 2019* include the Code of Conduct for Police, which prohibit officer violations of the *Charter*.[14] An officer cannot be disciplined for violating the *Charter* if the officer demonstrates that it was more likely than not that their conduct "was in the good faith performance of their duties."[15]

LECA is statutorily prohibited from investigating officer misconduct based on the *Charter* infringing conduct described in this report that occurred before April 1, 2024.[16] Thus, the Police Services should conduct investigations[17] into officer misconduct based on the *Charter* infringing conduct described in this report that occurred before April 1, 2024.

Moving forward, LECA should exercise its discretion to investigate[18] notices of misconduct[19] that come to its attention pursuant to recommendation 5. They should not be investigated by the same police services whose officers violated the *Charter*. The failure to retain investigations moving forward would negatively impact public trust, particularly considering the frequent violations of the *Charter* and systemic issues revealed by the Toronto Star in *Unchartered*[20] and *Unlawful Enforcers*.

If LECA does not exercise its discretion to investigate, the Police Services should conduct investigations into officer misconduct it identifies based on court decisions with findings of violations of the *Charter* involving police officers.

14 O Reg 407/23, Code of Conduct for Police Officers, s. 6(1).

15 *Ibid*, s 6(2).

16 *Community Safety and Policing Act*, *supra*, s. 161(4).

17 *Ibid*, s. 198(1).

18 *Ibid*, ss. 161(1)–(2); *LECA Rules*, *supra*, Rule 15.1.

19 *Community Safety and Policing Act*, *supra*, s. 197(1), *LECA Rules*, *supra*, Rule 14.1

20 Rachel Mendleson and Steve Buist, "Unchartered Part I: Rights Wronged" *Toronto Star* (9 June 2022), online: <*www.thestar.com/interactives/police-officers-across-canada-are-violating-people-s-rights-with-alarming-frequency-disturbing-unreleased-video/article_1c3c578c-11e0-11ee-9fea-871fbc9bf7f6.html*>

RECOMMENDATIONS

6. Within six months of the release of *Unlawful Enforcers*, the Police Services should conduct investigations into officer misconduct based on the *Charter* infringing conduct described in this report that occurred before April 1, 2024
7. The Complaints Director of LECA should exercise its discretion to investigate notices of misconduct that come to its attention pursuant to recommendation (5)
8. Absent the implementation of recommendation (7), the Police Services should conduct investigations into officer misconduct based on court decisions with findings of violations of the *Charter* involving police officers

Early-warning systems

Court decisions with *Charter* violations should be part of early warning systems at the Police Services to alert supervisors and police leadership about problematic officers, units and divisions.

Early warning systems, also known as "early intervention systems," identify:

> [A]t-risk officers early and addresses problematic behavior to prevent future adverse events that may be harmful to officers, the agency or the community. EI systems can review trends in officers, partnerships, units and geographic areas to identify areas that need to be addressed. Subsequently, improvements can be achieved through supervision and accountability for officers, department-wide policy changes and training opportunities. EI systems were established more than three decades ago "for reducing officer misconduct and enhancing accountability" (Walker et al., 2000). An effective EI system can protect officer well-being and agency performance while building community trust and support.[21]

Although intended to be non-disciplinary, early-warning systems do not preclude eventual discipline if behaviour does not improve or if behaviour amount to misconduct where discipline would be appropriate.[22]

The Police Services would not be the first to implement early-warning systems that include police violations of the constitution. Cases where evidence was excluded due to constitutional violations are part of early intervention systems at the Ferguson Police Department in Missouri[23] and Baltimore Police Department in Maryland[24].

21 Christi Guillon & William King, "Early interventions systems for police: a state-of-the-art review" (2020) *43:4 Policing: An International Journal* 643 at 644

22 *Ibid*, at 647

23 United States v City of Ferguson, No 4:16-cv-00180-CDP (ED Mo), Amended and Restated Consent Decree, Doc 97-1 (15 November 2018) at paras 259-269, online: City of Ferguson <*https://www.fergusoncity.com/DocumentCenter/View/3854/97-1-Amended-and-Restated-Consent-Decree?bidId=*> (accessed 15 December 2025).

24 United States of America v Police Department of Baltimore City, et al, Consent Decree, No 1:17-cv-00099-JKB (US Dist Ct, D Md, filed 12 January 2017) (Doc 2-2) at paras 312-327, online: US Department of Justice <*https://www.justice.gov/opa/file/925056/dl?inline=*> (accessed 15 December 2025).

RECOMMENDATION

9. Within one year of the release of *Unlawful Enforcers*, the Police Services should develop procedures to include court decisions with findings of officer violations of the *Charter* as part of an early warning system to alert supervisors and police leadership about potentially problematic officers, units and divisions.

TRANSPARENCY

To enhance public trust and facilitate further research and action, court decisions with *Charter* violations must be identified and addressed transparently, while respecting confidentiality provisions in the *Community Safety and Policing Act, 2019*[25] and privacy considerations.

> As noted in the United Nations' Handbook on Police Accountability, Oversight and Integrity, the public "needs to perceive that [the police] are effectively held to account for their operations and accounts, as well as misconduct, in a transparent and fair way."[26]

Again, the HPSB has demonstrated leadership. Its November 2025 policy directs the Chief of the Hamilton Police Service to include information regarding the following in the annual report from the professional standards branch:

A. Substantiated and unsubstantiated *Charter* violation allegations that are believed to involve a police officer
B. How the allegations were brought to the attention of the Hamilton Police Service
C. A summary of disciplinary actions taken
D. A summary of each criminal case in which charges were dropped or evidence was excluded because an officer violated the *Charter*
E. Any changes made to policies or procedures regarding *Charter* violations[27]

25 See, for example, *Community Safety and Policing Act, 2019*, *supra*, s. 145.

26 UN, Handbook on police accountability, oversight and integrity, New York: UN, 2011) at 9, online: UN *www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability_Oversight_and_Integrity_10-57991_Ebook.pdf.*

27 Hamilton Police Service Board, Canadian Charter of Rights and Freedoms Reporting Policy, Policy P-028 (effective 26 June 2025; amended 27 November 2025), s 7.

RECOMMENDATIONS

10. The Police Services should issue annual public reports to the Police Services Boards on court decisions with findings of violations of the *Charter* involving police officers while respecting confidentiality provisions in the Community Safety and Policing Act, 2019 and privacy considerations. The annual reports should include:
    - A. Police service
    - B. Year of court decision
    - C. Case name and citation
    - D. Nature of charges and any convictions
    - E. Demographic characteristics of the accused
    - F. Section(s) of the *Charter* breached
    - G. Police patrol zone or division where the *Charter* breach occurred
    - H. Serious case flag and any *Charter* remedies ordered
    - I. Appeal information
        - I. Trial or appeal decision
        - II. If trial, is there an appeal
        - III. Appeal decision citation
    - J. A description of any systemic issues identified by judges

11. The Police Service Boards should issue annual public reports on the Police Services administration of investigations into officer misconduct that Police Services identify pursuant to recommendation (3) or that Police Services become aware of pursuant to recommendations (1) and (2), while respecting confidentiality provisions in the Community Safety and Policing Act, 2019 and privacy.

SYSTEMIC ISSUES AT THE PEEL REGIONAL POLICE AND TORONTO POLICE SERVICE

Policies, procedures and training must be publicly reviewed to address the systemic issues and potential systemic issues at the Peel Regional Police and Toronto Police Service described in Chapter 4 of this report. Failure to do so risks further *Charter*-infringing conduct and individual and societal harms, including decreased public trust in police and public safety.[28]

[28] See Chapter 2 – Literature Review.

That being said, the case-law suggests that certain systemic issues at the Peel Regional Police and Toronto Police Service appear have been addressed and thus, do not require a review of policies, procedures and training.

Muting body camera audio during discussions between officers appears to have been addressed by the Peel Regional Police.[29]

The case-law suggests that the following systemic issues at the Toronto Police Service appear to have addressed:

- Unlawful strip searches[30]
- Failing to provide accused persons privacy when speaking with counsel in 53 Division[31]
- Lack of training provided to officers on the Access to Cannabis for Medical Purposes Regulations[32]

The HPSB's policy considers violations of the *Charter* that are related to policy and/or procedural matters. The HPSB and the Chief of Police are required review related policies and amend them accordingly.[33]

RECOMMENDATIONS

12. Within one year of the release of *Unlawful Enforcers*, the Peel Police Service Board and Peel Regional Police should publicly review policies, procedures and training related to the systemic issues and potential systemic issues identified in this report, including:

- **A.** Racial profiling
- **B.** Lack of privacy when accused use the toilet in holding cells
  - **I.** The Peel Regional Police should create signage in the booking room and holding cells advising that cells are being monitored by video cameras, including when detainees the toilets
  - **II.** The Peel Regional Police should provide detainees with a modesty paper gown when using the toilet

29 *R v Diaz*, [2024] OJ No 3807.

30 *R v SC*, 2025 ONSC 1887 at para 64.

31 *R v Hassan*, 2023 ONSC 1300 at paras 74, 81 and 84.

32 Recreational use of cannabis was legalized in 2018, which is when the Access to *Cannabis for Medical Purposes Regulations* were repealed.

33 Hamilton Police Service Board, Canadian Charter of Rights and Freedoms Reporting Policy, Policy P-028 (effective 26 June 2025; amended 27 November 2025), s 6.

C. Overholding accused in holding cells based on non-residency and in the context of drinking and driving cases

D. Lack of accommodation for hearing impaired accused to exercise their right to counsel in custody in 12 Division

E. Failing to audio record the booking hall procedure when accused are brought into the station

F. Lack of a check system to ensure compliance with reporting requirements regarding seizure of property

G. Lack of training on searches under the Cannabis Control Act

H. Failure to advise accused of their right to counsel immediately upon detention or arrest

I. Failure to respect the right to counsel of choice

J. Police lying or providing false testimony

K. Excessive force

L. Unlawful strip searches

M. Unreasonable searches when investigating alleged child pornography

13. Within one year of the release of *Unlawful Enforcers*, the Toronto Police Services Board and Toronto Police Service should publicly review policies, procedures and training related to the systemic issues and potential systemic issues identified in this report, including:

A. Racial profiling

B. Delays in bringing an accused person before a judge within 24 hours

C. Failure to respect the right to counsel of choice

D. Failing to inform accused persons of their right to counsel without delay

E. Accessing young offender fingerprints outside of the permitted access period

F. Failing to provide adequate translation services

G. Training issues on whether to hold accused for a bail hearing

H. Lack of training in dealing with detainees with mental health disabilities and the use of therapy support dogs

I. Failing to adhere to temporal limits of a search warrant by tech crime officers

J. Police lying or providing false testimony

K. Unlawful investigations into alleged child pornography

INDEPENDENT OVERSIGHT

Independent oversight beyond the Police Service Boards is necessary. Police violations of the *Charter* have persisted even after the police were notified of the problem by the Toronto Star in 2022. The devastating individual and societal impacts of these violations persist.

Ontario's Inspectorate of Policing is well-situated to provide the necessary independent oversight to ensure systemic change and address police violations of the *Charter*. Its vision, mandate, powers and expertise align with the goals of *Unlawful Enforcers*.

The Inspectorate's vision is an Ontario where every person feels safe has confidence in their police service,[34] both of which suffer when police violate the *Charter*. Its mandate includes promoting accountability in policing and ensuring compliance with the *Community Safety and Policing Act, 2019* and its regulations.[35] The regulations include the Code of Conduct for Police, which prohibit officer violations of the *Charter.*[36] The Inspectorate of Police examines the "performance of police services and boards through independent inspections, investigations, monitoring and advising."[37] It uses "data, research, and analytics to support and inform" its work. Where improvements are needed, it can issue directions and impose measures to ensure compliance with the *Community Safety and Policing Act, 2019* and its regulations.[38] Finally, the Inspector General, Ryan Teschner, has led complex organizational change in policing.[39]

RECOMMENDATION

14. Within two years of the release of *Unlawful Enforcers*, the Inspector General should conduct an inspection of the Police Services and Police Service Boards which focuses on identification, monitoring, transparency and accountability regarding court decisions with findings of violations the *Charter* involving police officers

- **A.** The inspection should include consideration of the implementation of the recommendations above
- **B.** The Inspector General should issue directions to the Police Services and/or Police Services Boards if its Findings Report reveals evidence of non-compliance or risk of non-compliance with legislative requirements under the Community Safety and Policing Act, 2019

34 Inspectorate of Policing, *About us*, Ontario's Inspector General of Policing, online: *www.iopontario.ca/en/about-us*|.

35 *Ibid.*

36 Code of Conduct for Police Officers, O Reg 407/23, s. 6.

37 Inspectorate of Policing, "News Release – Ontario's New Inspector General of Policing Begins Mandate" (2 April 2024), online: *www.iopontario.ca/en/about-us/news-media/news-release-ontarios-new-inspector-general-policing-begins-mandate*|; *Community Safety and Policing Act, supra*, ss. 102(4), 111(1), 111(2)(b), 111(4).

38 *Community Safety and Policing Act, supra*, ss. 123, 125.

39 Inspectorate of Policing, *Inspector General and Executive Team*, online: *www.iopontario.ca/en/about-us/inspector-general-and-executive-team*|.

Appendix 01

Methodology

Appendix 01

Methodology

Case searches

The Hidden Racial Profiling Project (HRPP) identified the five largest municipal police services in Ontario based on population served and number of officers[1]:

1. Toronto Police Service
2. Peel Regional Police
3. York Regional Police Service
4. Ottawa Police Service
5. Durham Regional Police Service

TIME-PERIOD

The HRPP began in the fall of 2020. We selected the five preceding years (2015-2019) as the main time period during which we would identify court decisions with findings of officer violations of the *Charter*[2]. These court decisions are listed in this report (see Appendix 2). We also list court decisions made between January 1, 2020 and May 31, 2025 (see Appendix 2).

LEGAL RESEARCH DATABASES, CASE SEARCH TERMS & CASE SELECTION

The HRPP found the court decisions using Lexis Quicklaw and Westlaw, which are legal research databases.

We used boolean search terms that combined the name of the police service and a violation of the *Charter*. For example, to search for cases involving the Peel Regional Police, we searched: "(peel /10 police) & (charter /10 (breach! Or violat! or contrar!)".

[1] Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Police Administration Survey, *Table 35-10-0077, Municipal police services serving a population of 100,000 or more, Canada, 2019* (2020).

[2] *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* UK, 1982, c 11.

We narrowed the results by year, and excluded:

- Civil cases
- Criminal cases where there was an allegation of a violation of the *Charter*, but no finding of a violation (i.e. unsuccessful *Charter* applications)
- Cases where the sole violation was a breach s. 11(b) of the *Charter* (i.e. the right to a trial within a reasonable time)
- Cases where the violation was committed by an officer of a different police service

Finally, we noted up cases to search for appeals. Each case in our dataset represents a court decision with a finding of an officer violation of the *Charter* that has not been overturned on appeal.

Our dataset includes "serious" and "non-serious" cases. A serious case is when the *Charter* remedy ordered by the court included an exclusion of evidence, a stay of proceedings (i.e. the proceedings were permanently stopped) or a sentence reduction. A non-serious case is when none of these *Charter* remedies were ordered.

List of court decisions

Our list of 2015-2025 court decisions with findings of violations of the *Charter* involving the police services in our dataset are in Appendix 2. This list includes:

1. Police service
2. Year of court decision
3. Case name and citation
4. Section(s) of the *Charter* breached
5. Serious case flag
6. Appeal information
    A. Trial or appeal decision
    B. If trial, is there an appeal
    C. Appeal decision citation

Underestimation

As noted above, our research focused on published cases. This does not reflect the full breadth of court decisions with findings of police violations of the *Charter* nor the incidence of police violations of the *Charter* by the five largest municipal police services in Ontario.

Some cases are adjudicated, but are unpublished and thus, unreported.[3] For example, some judges make oral decisions, without producing written copies. In other cases, decisions may be unpublished for specific reasons, like a publication ban.[4]

The cases in our dataset are an underestimate of *Charter* infringing officer conduct by the five largest municipal police services in Ontario. Our dataset does not include incidents that we will never see in criminal case-law – *Charter* infringing officer conduct, like arbitrary detentions, unreasonable searches and racial profiling that did not result in charges[5], or resulted in charges that were later withdrawn by the Crown. They also do include incidents where an accused pled guilty despite *Charter* infringing officer conduct.

Qualitative analysis of cases: Toronto Police Service and Peel Regional Police

Our qualitative analysis of 2015-2025 Toronto Police Service and Peel Regional Police cases identifies:

1. Express findings of racial profiling
2. Hidden racial profiling
3. Other egregious cases, including where officers used excessive force; conducted unlawful strip searches; or lied or provided false testimony
4. Systemic issues identified by judges and potential systemic issues identified by the research team through a global analysis of cases

HIDDEN RACIAL PROFILING

Hidden racial profiling is where the decision notes the race of the accused, racial profiling was not an issue before the judge and an inference can be drawn that there was a racial profiling or racial discrimination. Our process was inspired by Professor Tanovich, who, in the early 2000s, conducted a survey "to identify cases where racial profiling was not argued but where there was an 'air of reality' to the argument"[6].

Racial profiling occurs "when race or racial stereotypes about offending or dangerousness are used, consciously or unconsciously, to any degree in suspect selection or subject treatment"[7].

Established principles from *Charter* jurisprudence and cases decided under human rights legislation include:

- "Where race or racial stereotypes are used to any degree in suspect selection or subject treatment, there will be no reasonable suspicion or reasonable grounds. The decision will amount to racial profiling"[8]. Race need only be a factor in the adverse treatment to constitute racial discrimination[9].
- Racial profiling can be conscious or unconscious. It can rarely be proven by direct evidence. It must be inferred from the circumstances[10].

[3] Robyn Doolittle, "Legal system's 'data desert' keeps many court rulings out of public reach" The Globe and Mail (19 January 2026) A1, online: Factiva (Dow Jones) (accessed 28 January 2026).

[4] Susan McDonald et al., *Hate as an Aggravating Factor a Sentencing: A Review of the Case law from 2007-2020* (2020), *Department of Justice Canada.*

[5] *R v Grant*, 2009 SCC 32, [2009] 2 SCR 353 at para 75.

[6] David Tanovich, "The Further Erasure of Race in *Charter* Cases" (2006) 38:6 CR 84.

[7] *R v Le*, 2019 SCC 34, 2 SCR 692 at para 76.

[8] *Ibid; R v Dudhi*, 2019 ONCA 665, 147 OR (3d) 546 at para 63 [*Dudhi*].

[9] *Moore v British Columbia (Education)*, 2012 SCC 61, [2012] 3 SCR 360 at para 33; *Stewart v Elk Valley Coal Corp*, 2017 SCC 30, [2017] 1 SCR 591 at para 69; *Shaw v Phipps*, 2010 ONSC 3884 at paras 11–15, 76, 325 DLR (4th) 701; *Shaw v Phipps*, 2012 ONCA 155, 347 DLR (4th) 616

Factors which can support an inference of racial profiling include[11]:

- Deviations from standard practice (e.g. not turning on a body worn camera when required; not using restraint when detaining or arresting; other breaches of *Charter* like an arbitrary detention, unreasonable search or not providing an accused the right to counsel without delay)
    - In 2006, Professor Tanovich specifically highlighted cases where racialized accused were arbitrarily detained for criminal investigations as an example of where racial profiling was not argued, but there was an "air or reality" to the argument[11]:
        - "If there was not objectively suspicious criminal behaviour that triggered the officer's suspicion, it is likely, as a matter of logic and human experience, that racialized stereotypes played some role in the decision to conduct a criminal investigation."
- Using a pre-text for a criminal investigation (e.g. where the police claim to use a statutory or other investigative power or purpose, like investigating a minor traffic infraction, "as a pretext or ruse for a criminal investigation, leaving it open to conclude that what really drove the investigation was racialized stereotypes about crime"[13])
- Excessive force[14]
- "Failing to assess the totality of the situation" (e.g. not observing the lack of safety concerns)[15], overly aggressive police conduct[16], or unreasonable escalation[17]
- Officers lying or providing dishonest testimony[18]
- Additional scrutiny based merely on a hunch
- "Unreasonably using of race to target an individual based on a purported match with the physical description of a known suspect"[19]
- "Interpreting ambiguous behaviour as incriminatory"[20]
- Biased officer comments
- An insufficient, credible, non-discriminatory reason for the treatment

Statistical analysis

This study adopts a descriptive research design to examine patterns in judicial findings of *Charter* violations between January 1, 2015 and May 31, 2025, involving the five largest municipal police services in Ontario. The unit of analysis is the court decision. The dataset consists of judicial rulings in which a *Charter* breach attributable to police conduct was identified. Prior to analysis, the data were systematically cleaned and processed. Decision dates were parsed and standardized to ensure accurate temporal classification, and police service identifiers were normalized to allow consistent aggregation across jurisdictions. Key analytical variables, including decision year, police service, breached *Charter* sections, and indicators of seriousness, were recoded into analytically usable formats.

[10] *Dudhi, supra* at paras 75-80; *R v Sitladeen*, 2021 ONCA 303, 155 OR (3d) 241 at paras 43-46

[11] David Tanovich, "The Further Erasure of Race in *Charter* Cases" (2006) 38:6 CR 84; David Tanovich, "Applying the Racial Profiling Correspondence Test" in Lorne Foster et al, ed, *Racial Profiling and Human Rights in Canada: The New Legal Landscape* (Toronto: Irwin Law, 2018); Ontario Human Rights Commission, "Policy on eliminating racial profiling in law enforcement" (2019) at 27-34; *R v Robert Cameron*, 2025 ONSC 2621 at para 42; *R v Murray*, 2025 ONSC 4127 at paras 288-357 [*Murray*]; *R v Holloway*, 2021 ONSC 613, 496 CRR (2d) 234; *R v Neyazi*, 2014 ONSC 6838, 16 CR (7th) 223 at paras 195-198; *R v Douglas-Hodgson*, 2023 ONSC 6769 at paras 52-58 [*Douglas-Hodgson*]; *John v Edmonton Police Service*, 2023 AHRC 87; *R v Morgan*, 2023 ONSC 6855 [*Morgan*].

[12] David Tanovich, "The Further Erasure of Race in *Charter* Cases" (2006) 38:6 CR 84.

[13] *Douglas-Hodgson*, *supra* at para 58; *Murray*, *supra* at paras 291-296.

[14] *Murray*, *supra* at paras 342-349.

[15] *Robert Cameron*, *supra* at para 42.

[16] *Murray*, *supra* at paras 308-309 and 342-349.

[17] *Morgan, supra* at para 78-83; *McKay v Toronto Police Services Board*, 2011 HRTO 499 at para 153.

[18] *Murray*, *supra* at paras 297-300.

[19] David Tanovich, "Applying the Racial Profiling Correspondence Test" in Lorne Foster et al, ed, *Racial Profiling and Human Rights in Canada: The New Legal Landscape* (Toronto: Irwin Law, 2018) at 91-92.

[20] *Ibid* at 90-91.

To facilitate standardized comparison across police services and over time, the analysis incorporates population-based benchmarking of *Charter* violations. Specifically, counts of judicially identified *Charter* violations were converted into rates per 1 million population for each police service-year. Population denominators were drawn from Statistics Canada census data and applied in a stepwise manner to reflect changes in underlying population size. For observations between 2015 and 2020, rates were benchmarked using the 2016 Census population for the corresponding municipality served by each police service. For observations between 2021 and 2025, rates were benchmarked using the 2021 Census population. This approach stabilizes rate estimates by anchoring them to the most proximate census counts while avoiding artificial year-to-year fluctuations that would result from interpolated population estimates. Population-adjusted rates are used for descriptive and comparative purposes only, allowing observed differences in *Charter* violation patterns to be interpreted in relation to the size of the populations subject to police authority rather than raw counts alone.

The analysis proceeds in two stages, each corresponding to a distinct set of reported descriptive outcomes. In the first stage, the study calculates basic frequency statistics to describe the volume and distribution of *Charter*-related court decisions across police services and calendar years. Specifically, annual counts of decisions were produced to illustrate temporal trends over the study period, and police service–level counts were generated to document variation across police services. These statistics form the basis of the year-by-year and police service summary tables presented in the report.

In the second stage, the analysis disaggregates court decisions from *Charter* violations to reflect the fact that a single judicial ruling may involve multiple breached *Charter* sections. Each decision was therefore examined for the number of distinct *Charter* sections breached, and this count was used to operationalize the number of violations associated with that case. Violation counts were then aggregated at the police service–year level, producing descriptive summaries that capture both the total number of violations and their distribution over time and across police services. In addition, indicators of seriousness were summarized to report the number and proportion of cases involving serious *Charter* violations by police services. Together, these outputs allow the report to distinguish between the frequency of court decisions, number of *Charter* violations, sections breached and seriousness reflected in judicial findings.

Appendix 02

List of Court Decisions

Appendix 2 - List Of Court Decisions

Case Name	Citation	Police	Year	Breached Sections	Serious	Trial/ Appeal	If Trial, Is There Appeal	Appeal Decision Citation
R.v.Tulk	2015OJ5313	Durham	2015	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Ferguson-Cadore	2016ONSC4872	Durham	2016	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Nicholson	2016ONSC353	Durham	2016	s.9, s.10(a)	Yes	Trial	No	N/A
R.v.Rodgerson	2016ONSC6094	Durham	2016	s.9	Yes	Trial	No	N/A
R.v.Scott	2016ONCJ177	Durham	2016	s.8, s.9	No	Trial	No	N/A
R.v.Yang	2017ONCJ713	Durham	2017	s.10(b)	Yes	Trial	No	N/A
R.v.McEwan	2017ONSC6055	Durham	2017	s.8, s.9	Yes	Trial	No	N/A
R.v.Holland	2017ONCJ948	Durham	2017	s.8	No	Trial	No	N/A
R v Daley-Hyatt	2018 ONCJ 708	Durham	2017	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Ramnath	2018ONCJ853	Durham	2018	s.9	Yes	Trial	No	N/A
R.v.RM	2018OJ1659	Durham	2018	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Manuel	2018ONCJ381	Durham	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Newman	2018ONCJ6	Durham	2018	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.RW	2018ONSC1806	Durham	2018	s.7	Yes	Trial	No	N/A
R.v.Ali	2018ONCJ203	Durham	2018	s.10(b)	Yes	Trial	Yes	R v Ali, 2020 ONSC 1005
R.v.No	2019ONCJ992	Durham	2019	s.7	Yes	Trial	No	N/A
R.v.Gavriiloglou	2019ONCJ189	Durham	2019	s.10(a)	No	Trial	No	N/A
R.v.Brown	2020ONCJ193	Durham	2020	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Hunt	2020ONCJ627	Durham	2020	s.10(b)	No	Trial	No	N/A
R.v.Rana	2020ONCJ552	Durham	2020	s.8, s.9, s.10(b)	No	Trial	Yes	R v Rana, [2022] SCCA No 492
R.v.McSweeney	2020ONCA2	Durham	2020	s.10(b)	Yes	Appeal	No	N/A
R.v.Gignac	2020ONCA42	Durham	2020	s.10(b)	No	Appeal	No	N/A
R.v.Thambirajah	2020OJN05229	Durham	2020	s.10(b)	Yes	Trial	No	N/A
R.v.Chin	2021ONSC7760	Durham	2021	s.8	Yes	Trial	No	N/A
R.v.Tucker	2021ONCJ165	Durham	2021	s.10(b)	Yes	Trial	No	N/A
R.v.Mohammed	2022ONCJ280	Durham	2022	s.10(b)	No	Trial	No	N/A
R.v.Weldon	2022ONSC4626	Durham	2022	s.8	No	Trial	No	N/A
R.v.Brown	2022ONCJ678	Durham	2022	s.10(b)	No	Trial	Yes	R v Brown, 2024 ONCA 763 + R v Brown, [2025] SCCA No 19
R.v.Yussuf	2022OJN05438	Durham	2022	s.10(b)	Yes	Trial	No	N/A
R.v.Zeno	2023ONSC2720	Durham	2023	s.8, s.10(b)	No	Trial	No	N/A
R.v.Corner	2023ONCA509	Durham	2023	s.9, s.10(a), s.10(b)	Yes	Appeal	N/A	N/A
R.v.Sommer	2023ONSC4020	Durham	2023	s.8, s.9, s.10(b)	No	Trial	No	N/A
R.v.Armstrong	2023ONSC3154	Durham	2023	s.8, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Cunanan	2024ONSC4563	Durham	2024	s.8	Yes	Trial	No	N/A
R.v.Ramsay-Morris	2024ONCJ610	Durham	2024	s.10(b)	Yes	Trial	No	N/A

Case Name	Citation	Police	Year	Breached Sections	Serious	Trial/ Appeal	If Trial, Is There Appeal	Appeal Decision Citation
R.v.Blake	2024ONSC3309	Durham	2024	s.10(b)	No	Trial	No	N/A
R.v.Satar	2024OJNO1181	Durham	2024	s.10(b)	Yes	Trial	No	N/A
R.v.Achakji	2015ONSC4364	Ottawa	2015	s.8	Yes	Trial	No	N./A
R.v.Dupont	2015ONCJ757	Ottawa	2015	s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Bulat	2015ONCJ453	Ottawa	2015	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Beauchamp	2015ONCA260	Ottawa	2015	s.8	No	Appeal	N/A	N/A
R.v.McGuffie	2016ONCA365	Ottawa	2016	s.8, s.9, s.10(b)	Yes	Appeal	N/A	N/A
R.v.Giampaolo	2016OJ6210	Ottawa	2016	s.7, s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.PinoorRvEdwards	2016ONCA389	Ottawa	2016	s.8, s.10(b)	Yes	Appeal	N/A	N/A
R.v.Al-Enzi	2016ONSC5140	Ottawa	2016	s.8	No	Trial	Yes	2021 ONCA 81
R.v.Lacroix	2016ONSC3052	Ottawa	2016	s.9	No	Trial	Yes	2018 ONCA 842
R.v.Mayo	2016ONSC125	Ottawa	2016	s.8	No	Trial	No	N/A
R.v.Hamed	2017ONCJ205	Ottawa	2017	s.7, s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.McLachlan	2017ONSC1471	Ottawa	2017	s.8	Yes	Appeal	N/A	N/A
R.v.Hogervorst	2017ONCJ802	Ottawa	2017	s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Joseph	2017ONSC4566	Ottawa	2017	s.10(a)	Yes	Trial	Yes	2020 ONCA 733
R.v.Dallaire	2017ONCJ970	Ottawa	2017	s.9	No	Trial	No	N/A
R.v.Guilbeault	2018ONCJ703	Ottawa	2018	s.9, s.10(b)	Yes	Trial	No	N/A
R.v.McEwan	2018ONCJ702	Ottawa	2018	s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Ntibazonkiza	2018ONSC410	Ottawa	2018	s.8, s.9	No	Appeal	N/A	N/A
R.v.Acciaioli	2018ONCJ969	Ottawa	2018	s.8	No	Trial	No	N/A
R.v.Sheldrick	2019ONSC5731	Ottawa	2019	s.8	Yes	Trial	No	N/A
R.v.Hancock	2019ONCJ139	Ottawa	2019	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Al-Qu'aod	2019ONSC5526	Ottawa	2019	s.8, s.9, s.10(b)	Yes	Appeal	N/A	N/A
R.v.Landriault	2019ONSC2020	Ottawa	2019	s.7, s.8, s.10(b)	Yes	Trial	No	N/A
R.v.MacGregor	2019ONSC1302	Ottawa	2019	s.7	No	Trial	No	N/A
R.v.Brown	2019ONSC1414	Ottawa	2019	s.7, s.9, s.11	No	Trial	No	N/A
R.v.BashirandMuddei	2019ONSC4082	Ottawa	2019	s.8	Yes	Trial	Yes	2021 ONCA 200
R.v.Bahlawan	2020ONSC952	Ottawa	2020	s.8	No	Trial	No	N/A
R.v.Farah	2020ONSC7157	Ottawa	2020	s.8	Yes	Trial	No	N/A
R.v.Ahmed-Hassan	2020ONSC277	Ottawa	2020	s.10(b)	No	Trial	No	N/A
R.v.Pillar	2020ONCJ394	Ottawa	2020	s.10(b)	Yes	Trial	No	N/A
R.v.Hassan	2020OJNO1573	Ottawa	2020	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Bashir	2021ONCA200	Ottawa	2021	s.8	Yes	Appeal	N/A	N/A
R.v.Tshilombo	2021ONCJ478	Ottawa	2021	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Brown	2021OJNO4695	Ottawa	2021	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Johnson	2021ONSC1307	Ottawa	2021	s.8	Yes	Trial	Yes	R v Johnson, 2023 ONCA 120
R.v.Droog	2021OJNO6690	Ottawa	2021	s.10(b)	Yes	Trial	No	N/A
R.v.Campbell	2021OJNO7506	Ottawa	2021	s.10(b)	Yes	Trial	Crown's appeal abandoned	R v Campbell, [2022] OJ No 2100

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R.v.GC	2021ONSC828	Ottawa	2021	s.7	No	Trial	No	N/A
R.v.Toth	2021OJNO2350	Ottawa	2021	s.10(b)	Yes	Trial	No	N/A
R.v.Brisson	2022ONCJ523	Ottawa	2022	s.10(b)	No	Trial	No	N/A
R.v.Mohamed	2022ONCA117	Ottawa	2022	s.8, s.10(b)	Yes	Appeal	N/A	N/A
R.v.Omar	2022OJNO5032	Ottawa	2022	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Musselman	2022ONSC2806	Ottawa	2022	s.7	Yes	Trial	No	N/A
R.v.Abdulkadir	2023OJNO6007	Ottawa	2023	s.8	Yes	Trial	No	N/A
R.v.Hachem	2023OJNO1105	Ottawa	2023	s.9	Yes	Trial	No	N/A
R.v.Bogdanov	2023ONCJ553	Ottawa	2023	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Wardak	2023OJNO6006	Ottawa	2023	unspecified	Yes	Trial	No	N/A
R.v.Fisher	2023ONCJ9	Ottawa	2023	s.9	Yes	Trial	No	N/A
R.v.Ruddick	2023OJNO763	Ottawa	2023	s.10(b)	Yes	Trial	No	N/A
R.v.Tadvalkar	2023ONCJ391	Ottawa	2023	s.10(b)	Yes	Trial	No	N/A
R.v.Cyr	2024OJNO934	Ottawa	2024	s.9, s.10(a)	Yes	Trial	No	N/A
R.v.Harper	2024ONSC925	Ottawa	2024	s.8	Yes	Trial	No	N/A
R.v.Remley	169OR(3d)665	Ottawa	2024	s.9, s.10	Yes	Appeal	Pending	N/A
R.v.Houssein-Hassan	2024ONCJ290	Ottawa	2024	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Izzeddin	2024ONCA229	Ottawa	2024	s.10(b)	No	Appeal	N/A	N/A
R.v.Fish	2024OJNO1736	Ottawa	2024	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Ozier	2025ONSC570	Ottawa	2025	s.8, s.9	Yes	Trial	No	N/A
R.v.Correia	2025ONCJ101	Ottawa	2025	s.8, s.9	Yes	Trial	No	N/A
R.v.Bassi	2015ONCJ340	Peel	2015	s.10(b)	Yes	Trial	No	N/A
R.v.Johnson	2015ONCJ134	Peel	2015	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Gayle	2015OJ5408	Peel	2015	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Corbasson	2015ONCJ563	Peel	2015	s.9	Yes	Trial	No	N/A
R.v.Ahmad	2015ONCJ620	Peel	2015	s.10(b)	Yes	Trial	No	N/A
R.v.Evans	2015ONCJ305	Peel	2015	s.8, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Burnett	2015ONSC3586	Peel	2015	s.8	Yes	Trial	No	N/A
R.v.Newell	2015ONCJ564	Peel	2015	s.8, s.9	Yes	Trial	No	N/A
R.v.M.S.	2015ONCJ328	Peel	2015	s.8	Yes	Trial	No	N/A
R.v.Kelly	2015ONCJ251	Peel	2015	s.8	Yes	Trial	Yes	R v Kelly 2016 ONSC 2444
R.v.Wichert	2015ONCJ700	Peel	2015	s.8	Yes	Trial	No	N/A
R.v.Moulton	2015ONSC1047	Peel	2015	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Provo	2015ONCJ311	Peel	2015	s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Medeiros	2015ONCJ707	Peel	2015	s.8, s.10(b)	No	Trial	No	N/A
R.v.Lam	2015ONSC2131	Peel	2015	s.8	No	Trial	No	N/A
R v D'Andrade	2016ONCJ12	Peel	2016	s.8	Yes	Trial	No	N/A
R.v.Maciel	2016OJ4789	Peel	2016	s.10(b)	Yes	Trial	No	N/A
R.v.Singh	2016OJ3463	Peel	2016	s.2(a)	Yes	Trial	No	N/A
R.v.Lorenzo	2016ONCJ634	Peel	2016	s.9	Yes	Trial	No	N/A

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R.v.Persaud	2016ONSC8110	Peel	2016	s.8	Yes	Trial	No	N/A
R.v.Nithiyananthaselvan	2016ONCJ426	Peel	2016	s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Robinson	2016ONSC1667	Peel	2016	s.7	Yes	Trial	No	N/A
R.v.Mazzuchin	2016ONCJ38	Peel	2016	s.9	Yes	Trial	No	N/A
R.v.Shabir	2016ONCJ816	Peel	2016	s.10(b)	Yes	Trial	No	N/A
R.v.Luckese	2016ONSC1204	Peel	2016	s.10(a), s.10(b)	Yes	Trial	Yes	2016 ONCA 359; 2016 ONCA 461
R.v.Lewis	2016ONSC7936	Peel	2016	s.8, s.9	Yes	Trial	No	N/A
R.v.Cornwall	2016ONSC1756	Peel	2016	s.10(b)	Yes	Trial	No	N/A
R.v.Isaacs	2016ONSC5272	Peel	2016	s.10(b)	Yes	Trial	No	N/A
R.v.Alakeswaran	2016OJ7339	Peel	2016	s.10(b)	No	Trial	No	N/A
R.v.Owen	2017OJ5756	Peel	2017	s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Sandhu	2017ONCJ226	Peel	2017	s.10(b)	Yes	Trial	No	N/A
R.v.Nguyen	2017ONSC1341	Peel	2017	s.8	Yes	Trial	No	N/A
R.v.Nguyen	2017ONCJ393	Peel	2017	s.10(b)	Yes	Trial	No	N/A
R.v.Romaniuk	2017ONCJ235	Peel	2017	s.8, s.9	Yes	Trial	No	N/A
R.v.Simpson	2017ONCJ321	Peel	2017	s.10(b)	Yes	Trial	No	N/A
R.v.Osit	2017ONCJ824	Peel	2017	s.8, s.9	Yes	Trial	No	N/A
R.v.Rowe	2017ONCJ737	Peel	2017	s.10(b)	Yes	Trial	No	N/A
R.v.Gopalapillai	2017ONCJ247	Peel	2017	s.10(b)	Yes	Trial	Yes	2018 ONSC 929
R.v.Sivarasah	2017ONSC3597	Peel	2017	s.8, s.9	Yes	Trial	No	N/A
R.v.Asemota	2017ONSC1229	Peel	2017	s.7, s.8, s.9	Yes	Trial	No	N/A
R.v.Merritt	2017ONSC5245	Peel	2017	s.8	Yes	Trial	Yes	2023 ONCA 3; [2023] SCCA No 48
R.v.Klotz	2017ONCJ543	Peel	2017	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Kandasammy	2017ONCJ588	Peel	2017	s.10(b)	Yes	Trial	No	N/A
R.v.Owen	2017ONCJ729	Peel	2017	s.8	Yes	Trial	No	N/A
R.v.Athwal	2017ONSC96	Peel	2017	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Desrosiers	2017ONCJ80	Peel	2017	s.8, s.9	Yes	Trial	No	N/A
R.v.Singh	2017ONSC1176	Peel	2017	s.7	Yes	Trial	No	N/A
R.v.Somerville	2017ONSC3311	Peel	2017	s.7	Yes	Trial	No	N/A
R.v.Mascoe	2017ONSC4208	Peel	2017	s.8	Yes	Trial	No	N/A
R.v.Christopoulos	2017ONCJ845	Peel	2017	s.10(b)	No	Trial	No	N/A
R.v.Browne	2017ONSC4615	Peel	2017	s.7	No	Trial	No	N/A
R.v.Sitladeen	2017ONCJ805	Peel	2017	s.8, s.9	No	Trial	Yes	2021 ONCA 303
R.v.Carvalho	2017ONSC2906	Peel	2017	s.8	No	Trial	No	N/A
R.v.Wijesuriya	2018OJ1726	Peel	2018	s.8	Yes	Trial	No	N/A
R.v.McKnight	2018ONCJ870	Peel	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Denis	2018ONSC5459	Peel	2018	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.BeckfordJohnson	2018ONSC2766	Peel	2018	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Bullock	2018ONCJ598	Peel	2018	s.10(b)	Yes	Trial	No	N/A

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R.v.Mahipaul	2018ONCJ339	Peel	2018	s.8, s.9	Yes	Trial	No	N/A
R.v.Camargo	2018ONCJ739	Peel	2018	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Jama	2018ONCJ730	Peel	2018	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Chiefari	2018OJ4419	Peel	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Mattie	2018ONCJ907	Peel	2018	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Iqbal	2018ONSC6033	Peel	2018	s.10(a), s.10(b)	Yes	Trial	Yes	2021 ONCA 416
R.v.Irving	2018ONCJ270	Peel	2018	s.8, s.10(b)	Yes	Trial	Yes	2019 ONSC 1459
R.v.Richards	2018ONSC4921	Peel	2018	s.8	Yes	Trial	No	N/A
R.v.Neill	2018ONSC5323	Peel	2018	s.8	No	Trial	Yes	2023 ONCA 765
R.v.Dhillon	2018ONCJ106	Peel	2018	s.10(b)	No	Trial	No	N/A
R.v.McIntyre	2018ONCJ283	Peel	2018	s.10(b)	No	Trial	No	N/A
R.v.Surun-Kingsley	2018ONCJ76	Peel	2018	s.10(b)	No	Trial	No	N/A
R.v.Gordon	2018ONSC1297	Peel	2018	s.10(b)	No	Trial	No	N/A
R.v.Burke-Whittaker	2018ONSC2976	Peel	2018	s.8	Yes	Trial	No	N/A
R.v.Kou	2019ONCJ966	Peel	2019	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Samuels	2019ONCJ213	Peel	2019	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Banwait	2019ONCJ283	Peel	2019	s.10(b)	Yes	Trial	N/A	N/A
R.v.Skurski	2019ONSC2943	Peel	2019	s.10(b)	Yes	Appeal	No	N/A
R.v.Singh	2019ONCJ875	Peel	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Khoshaba	2019ONSC6896	Peel	2019	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Grewal	2019ONSC5842	Peel	2019	s.8	Yes	Trial	No	N/A
R.v.Grant	2019ONCJ685	Peel	2019	s.8	Yes	Trial	No	N/A
R.v.Lilmohan	2019ONCJ965	Peel	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Perlic	2019OJ6900	Peel	2019	s.8	Yes	Trial	No	N/A
R.v.Reeves	2019ONSC1862	Peel	2019	s.8, s.9	Yes	Trial	No	N/A
R.v.Attard	2020ONCJ108	Peel	2019	s.8	Yes	Trial	No	N/A
R.v.Smith	2019OJ5843	Peel	2019	s.8, s.9	Yes	Trial	No	N/A
R.v.Trought	2019ONSC1421	Peel	2019	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Agnihotri	2019ONCJ551	Peel	2019	s.8, s.9	No	Trial	No	N/A
R.v.Graham	2019ONSC15	Peel	2019	s.7	No	Trial	Yes	2023 ONCA 847
R.v.Delgado	2019ONCJ70	Peel	2019	s.10(b)	No	Trial	No	N/A
R.v.Campbell-Noel	2019ONSC430	Peel	2019	s.8, s.10(b)	No	Trial	No	N/A
R.v.Thompson	2020ONCA264	Peel	2020	s.9, s.10(b)	Yes	Appeal	Yes	R v Thompson, [2020] OJ No 1757
R.v.Fisk	2020ONCJ88	Peel	2020	s.8, s.10(b)	No	Trial	No	N/A
R.v.Al-Adhami	2020ONSC6421	Peel	2020	s.9, s.10(b), s.11(e)	Yes	Trial	N/A	N/A
R.v.Green	2020ONSC7242	Peel	2020	s.10(b)	Yes	Trial	No	N/A
R.v.Brar	2020OJNO3439	Peel	2020	s.9	Yes	Appeal	Yes	R v Brar, 2020 ONSC 4740
R.v.Hartjes	2020ONCJ89	Peel	2020	s.8, s.9	Yes	Trial	No	N/A
R.v.Sakhuja	2020ONCJ484	Peel	2020	s.9, s.10(b)	Yes	Trial	No	N/A

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R.v.Ansah	2020ONCJ72	Peel	2020	s.8	No	Trial	No	N/A
R.v.Bayuk	2020ONSC7928	Peel	2020	s.8, s.10(b)	No	Trial	No	N/A
R.v.Singh	2020ONSC1370	Peel	2020	s.8	Yes	Trial	No	N/A
R.v.Virk	2020ONCJ278	Peel	2020	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Mann	2020ONCJ671	Peel	2020	s.10(b)	No	Trial	No	N/A
R.v.Hutchinson	2020ONSC1742	Peel	2020	s.10(b)	No	Trial	No	N/A
R.v.Raswan	2020ONCJ182	Peel	2020	s.9	Yes	Trial	No	N/A
R.v.Conroy	2020ONCJ673	Peel	2020	s.8, s.10(b)	No	Trial	No	N/A
R.v.Jhite	2021OJNO2178	Peel	2021	s.10(b)	Yes	Appeal	Yes	R v Jhite, 2021 ONSC 3036
R.v.Seera	2021ONSC5095	Peel	2021	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Yogeswaran	2021ONSC1242	Peel	2021	s.8, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Aujla	2021ONSC2417	Peel	2021	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Hector	2021ONSC7543	Peel	2021	s.10(a)	No	Trial	No	N/A
R.v.Tutu	2021ONSC5375	Peel	2021	s.7, s.8, s.9, s.10(b), s.15	Yes	Trial	No	N/A
R.v.Holloway	2021ONSC6136	Peel	2021	s.8, s.9	Yes	Trial	No	N/A
R.v.Phillips	2021ONSC5343	Peel	2021	s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Kaur	2021ONCJ683	Peel	2021	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Bali	2021ONCJ128	Peel	2021	s.10(b)	No	Trial	No	N/A
R.v.Becessar	2021ONSC4833	Peel	2021	s.8, s.10(b)	Yes	Trial	Yes	R v Becessar, 2024 ONCA 528
R.v.Robertson	2021OJNO7558	Peel	2021	s.8	No	Trial	No	N/A
R.v.Asser	2021OJNO7372	Peel	2021	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Williams	2021ONSC5497	Peel	2021	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Kaler	2021ONCJ727	Peel	2021	s.10(a)	No	Trial	No	N/A
R.v.Seemangal	2021ONCJ611	Peel	2021	s.8, s.9, s.10(b)	No	Trial	No	N/A
R.v.James	2021ONSC3794	Peel	2021	s.8, s.9, s.10(a)	Yes	Trial	No	N/A
R.v.Singh	2021ONCJ604	Peel	2021	s.8, s.9	Yes	Trial	No	N/A
R.v.Sharma	2021ONSC3435	Peel	2021	s.7	Yes	Appeal	Yes	R v Sharma, [2023] SCCA No 231
R.v.Ramu	2021ONCJ572	Peel	2021	s.10(b)	Yes	Trial	No	N/A
R.v.Doiron	2021ONCJ636	Peel	2021	s.9	Yes	Trial	No	N/A
R.v.Alphonse	2021ONCJ697	Peel	2021	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Work	2021OJNO3275	Peel	2021	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Sudani	2021ONSC6426	Peel	2021	s.8	Yes	Trial	No	N/A
R.v.Pierzchala	2022ONCJ635	Peel	2022	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Naess	2022ONSC6490	Peel	2022	s.8	Yes	Trial	No	N/A
R.v.Maan	2022ONCJ168	Peel	2022	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.SS	2022ONCJ646	Peel	2022	s.8	Yes	Trial	No	N/A
R.v.Cairney	2022ONCJ458	Peel	2022	s.9, s.10(b)	No	Trial	No	N/A
R.v.Iftikhar	2022ONCJ361	Peel	2022	s.10(b)	Yes	Trial	No	N/A

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R.v.Lacroix	2022ONSC4199	Peel	2022	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.TP	2022ONCJ627	Peel	2022	s.7, s.8	Yes	Trial	No	N/A
R.v.Ffrench	2022ONCJ134	Peel	2022	s.8, s.9	Yes	Trial	No	N/A
R.v.Husnain	2022OJNO3651	Peel	2022	s.10(b)	Yes	Trial	No	N/A
R.v.Pampena	2022ONCA668	Peel	2022	s.8	Yes	Appeal	Yes	R v Pampena, [2023] SCCA No 2
R.v.Sharma	2023ONSC5010	Peel	2023	s.8, s.9	Yes	Trial	No	N/A
R.v.Morias	2023ONSC1299	Peel	2023	s.10(b)	No	Trial	No	N/A
R.v.Johnson-Phillips	2023ONSC1977	Peel	2023	s.8	Yes	Trial	No	N/A
R.v.Bailey	2023ONSC6789	Peel	2023	s.9	Yes	Trial	No	N/A
R.v.Singh	2023ONSC6138	Peel	2023	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Deol	2023ONSC138	Peel	2023	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.ElKhiraouiChaki	2023ONSC1517	Peel	2023	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Morgan	2023ONSC6855	Peel	2023	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Daye	2023ONCJ43	Peel	2023	s.8	No	Trial	No	N/A
R.v.Osman	2023ONSC7087	Peel	2023	s.7, s.8, s.9, s.10(b)	No	Trial	No	N/A
R.v.Byfield	2023ONSC4308	Peel	2023	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Owusu	2023ONCJ568	Peel	2023	s.7, s.8	No	Trial	No	N/A
R.v.Obi	2023ONSC6974	Peel	2023	s.10(b)	Yes	Trial	No	N/A
R.v.Korkis	2023ONSC174	Peel	2023	s.7, s.10(b), s.12	Yes	Trial	No	N/A
R.v.Gala-Nyam	2023ONSC2241	Peel	2023	s.9	Yes	Trial	No	N/A
R.v.Dennis	2024ONSC4229	Peel	2024	s.8	Yes	Trial	No	N/A
R.v.Lal	2024ONCJ724	Peel	2024	s.8, s.10(b)	No	Trial	No	N/A
R.v.Allen	2024ONSC2032	Peel	2024	s.8, s.9	Yes	Trial	No	N/A
R.v.Tomaszewicz	2024ONCJ661	Peel	2024	s.10(b)	Yes	Trial	No	N/A
R.v.Dube	2024ONCJ105	Peel	2024	s.7	Yes	Trial	No	N/A
R.v.Diaz	2024ONCJ407	Peel	2024	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Rumbaki	2024ONCJ49	Peel	2024	s.8, s.9, s.10(a)	Yes	Trial	No	N/A
R.v.Habtegabir	2024ONSC236	Peel	2024	s.8	No	Trial	No	N/A
R.v.Vaidya	2024ONCJ716	Peel	2024	s.8, s.10(b)	No	Trial	No	N/A
R.v.Habte	2025ONCJ216	Peel	2025	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Cameron	2025ONSC2621	Peel	2025	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Quinless	2025ONCJ94	Peel	2025	s.10(b)	Yes	Trial	No	N/A
R.v.David	2015ONSC6940	Toronto	2015	s.10(b)	Yes	Trial	No	N/A
R.v.Smith	2015ONSC3548	Toronto	2015	s.8, s.9	Yes	Trial	No	N/A
R.v.Sabatini	2015ONCJ282	Toronto	2015	s.8, s.9	Yes	Trial	No	N/A
R.v.Gordon	2015OJ3270	Toronto	2015	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Carrington	2015ONSC7903	Toronto	2015	s.8, s.9	Yes	Trial	No	N/A
R.v.Aguas	2015ONSC3462	Toronto	2015	s.10(b)	Yes	Trial	No	N/A
R.v.Barnes	2015ONSC373	Toronto	2015	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Ramkalawan	2015ONCJ784	Toronto	2015	s.8, s.10(b)	Yes	Trial	No	N/A

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R.v.Gayle	2015ONSC6209	Toronto	2015	s.8	Yes	Trial	No	N/A
R.v.Lattif	2015ONSC1580	Toronto	2015	s.8	Yes	Trial	No	N/A
R.v.Kinnear	2015ONCJ273	Toronto	2015	s.8	Yes	Trial	No	N/A
R.v.Doyon	2015ONSJ122	Toronto	2015	s.9	Yes	Trial	No	N/A
R.v.Waisanen	2015ONSC5823	Toronto	2015	s.8, s.9	Yes	Appeal	N/A	N/A
R.v.Jinje	2015ONSC2081	Toronto	2015	s.8, s.9	Yes	Trial	No	N/A
R.v.Hussein	2015ONSC362	Toronto	2015	s.8	No	Trial	No	N/A
R.v.Bullock	2015ONSC2488	Toronto	2015	s.8	No	Trial	Yes	2017 ONCA 398
R.v.Hamzehi	2015ONCJ95	Toronto	2015	s.10(b)	No	Trial	No	N/A
R.v.Sam	2015ONCJ301	Toronto	2015	s.10(b)	No	Trial	No	N/A
R.v.Egeli	2015ONCJ271	Toronto	2015	s.8, s.10(b)	No	Trial	No	N/A
R.v.Grant	2015ONSC1646	Toronto	2015	s.10	No	Trial	No	N/A
R.v.Daniels	2015ONSC283	Toronto	2015	s.8	No	Trial	Yes	2017 ONCA 551
R.v.Sukraj	2015ONCJ260	Toronto	2015	s.8, s.9	No	Trial	No	N/A
R.v.Bookal	2016ONSC2941	Toronto	2016	s.8	No	Trial	No	N/A
R.v.Balak	2016ONCJ44	Toronto	2016	s.8, s.10(b)		Trial	No	N/A
R.v.Cha	2016OJ6145	Toronto	2016	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Proulx	2016ONCJ352	Toronto	2016	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Hall	2016ONCJ696	Toronto	2016	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Bobryshova	2016ONCJ263	Toronto	2016	s.8, s.9	Yes	Trial	No	N/A
R.v.Im	2016ONCJ383	Toronto	2016	s.8	Yes	Trial	No	N/A
R.v.Brewster	2016ONSC4133	Toronto	2016	s.8	Yes	Trial	Yes	2019 ONCA 942
R.v.Chernysh	2016ONSC6716	Toronto	2016	s.8	Yes	Trial	No	N/A
R.v.Bielli	2016ONSC6866	Toronto	2016	s.10(a), s.10(b)	Yes	Trial	Yes	R v Bielli, 2021 ONCA 222
R.v.Douale	2016ONSC3912	Toronto	2016	s.8	Yes	Trial	No	N/A
R.v.Ohenhen	2016ONSC5782	Toronto	2016	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Manoharan	2016ONSC2655	Toronto	2016	s.10(b)	Yes	Trial	No	N/A
R.v.Dawson	2016ONSC3461	Toronto	2016	s.7, s.9	Yes	Trial	Yes	2018 ONCA 458
R.v.James	2016ONSC4086	Toronto	2016	s.8	Yes	Trial	No	N/A
R.v.Carter	2016ONSC2832	Toronto	2016	s.9	Yes	Trial	No	N/A
R.v.Azarnush	2016ONCJ355	Toronto	2016	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Arunthava-Selvani	2016OJ5858	Toronto	2016	s.8, s.9	Yes	Trial	No	N/A
R.v.Clarke	2016ONSC351	Toronto	2016	s.8	Yes	Trial	No	N/A
R.v.Xue	2016OJ7255	Toronto	2016	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Bacchus	2016OJ6528	Toronto	2016	s.8, s.9	Yes	Trial	No	N/A
R.v.Fortune	2016ONSC2186	Toronto	2016	s.9	Yes	Trial	No	N/A
R.v.Ponnadurai	2016ONCJ365	Toronto	2016	s.8	No	Trial	No	N/A
R.v.Yusuf	2016ONSC514	Toronto	2016	s.10(b)	No	Trial	No	N/A
R.v.Ellis	2016ONCA598	Toronto	2016	s.10	No	Appeal	N/A	N/A

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R.v.Kanagasivam	2016OJ7296	Toronto	2016	s.8	No	Trial	Yes	2020 ONCA 25; [2020] SCCA No 71
R.v.Ramirez-Mata	2016ONCJ93	Toronto	2016	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Lim	2016OJ6869	Toronto	2016	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Kim	2016ONCJ251	Toronto	2016	s.8	No	Trial	Yes	2016 ONSC 7272
R.v.Palmer	2016ONSC153	Toronto	2016	s.8	No	Trial	Yes	2018 ONCA 974
R.v.Perinpanathan	2017 ONCJ 36	Toronto	2017	s.7, s.8	Yes	Trial	No	N/A
R.v.Woo	2017ONSC7655	Toronto	2017	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Mark	2017ONSC2206	Toronto	2017	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Malcolm	2017ONSC7579	Toronto	2017	s.8	Yes	Trial	No	N/A
R.v.Madbouli	2017ONSC2890	Toronto	2017	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Powell	2017ONSC6482	Toronto	2017	s.8	Yes	Trial	Yes	2020 ONCA 743
R.v.Smith	2017ONSC4683	Toronto	2017	s.8	Yes	Trial	No	N/A
R.v.Mach	2017ONCJ473	Toronto	2017	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Jama	2017ONSC470	Toronto	2017	s.10(a), s.10(b)	Yes	Trial	Yes	2020 ONCA 106
R.v.Li	2017OJ5581	Toronto	2017	s.8	Yes	Trial	No	N/A
R.v.MO	2017ONSC1213	Toronto	2017	s.8	Yes	Trial	No	N/A
R.v.Buenrostro-Ramirez	2017ONCJ101	Toronto	2017	s.8	Yes	Trial	No	N/A
R.v.Blackburn	2017OJ7258	Toronto	2017	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Riccardi	2017ONSC2105	Toronto	2017	s.8	Yes	Trial	Yes	2021 ONCA 96
R.v.Patel	2017ONCJ248	Toronto	2017	s.8, s.9	Yes	Trial	No	N/A
R.v.Teng	2017ONSC789	Toronto	2017	s.10(b)	Yes	Trial	Yes	2021 ONCA 785
R.v.Wawrykiewicz	2017ONSC569	Toronto	2017	s.8	No	Trial	Yes	2019 ONCA 21
R.v.Fentum	2017ONCJ339	Toronto	2017	s.10(b)	No	Trial	Yes	[2017] OJ No 6413
R.v.Cole	2017ONSC1657	Toronto	2017	s.8	No	Trial	Yes	2019 ONCA 516
R.v.Dinner	2017ONCJ61	Toronto	2017	s.8	No	Trial	No	N/A
R.v.MB	2017ONSC4163	Toronto	2017	s.7	No	Trial	No	N/A
R.v.Jin	2017ONCJ499	Toronto	2017	s.10(b)	No	Trial	Yes	2018 ONSC 2898
R.v.Davani	2017ONSC2326	Toronto	2017	s.8	No	Trial	Yes	2023 ONCA 169
R.v.Boekdrukker	2018 ONSC 266	Toronto	2018	s.10(b), s. 8	Yes	Trial	No	N/A
R.v.Abdelrahim	[2018] O.J. NO. 3709	Toronto	2018	s.8	Yes	Trial	No	N/A
R.v.Gayle	[2018] O.J. NO. 5044	Toronto	2018	s.8	Yes	Trial	No	N/A
R.v.Grant	[2018] O.J. NO. 6334	Toronto	2018	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Mueller	2018ONSC2734	Toronto	2018	s.8, s.9, s.10(a)	No	Appeal	N/A	N/A
R.v.Aman	2018OJ325	Toronto	2018	s.10(b)	No	Trial	No	N/A
R.v.Fleming	2018OJ6322	Toronto	2018	s.8, s.9	Yes	Trial	No	N/A
R.v.Wang	2018OJ5766	Toronto	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Suliman	2018ONSC1361	Toronto	2018	s.8	Yes	Trial	No	N/A

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R.v.Raios	2018ONSC6867	Toronto	2018	s.9	Yes	Trial	No	N/A
R.v.Ruiz	2018OJ6070	Toronto	2018	s.8	Yes	Trial	No	N/A
R.v.Abdulatif	2018ONSC2089	Toronto	2018	s.8, s.9	Yes	Trial	No	N/A
R.v.Williams	2018ONCJ458	Toronto	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Uhuangho	2018ONCJ599	Toronto	2018	s.8	Yes	Trial	No	N/A
R.v.Griffith	2018ONSC6471	Toronto	2018	s.10(b)	Yes	Trial	Yes	2021 ONCA 302
R.v.Gao	2018OJ2334	Toronto	2018	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Kuviarzin	2018ONCJ419	Toronto	2018	s.10(b)	Yes	Trial	No	N/A
R.v.O'Shea	2018ONCJ431	Toronto	2018	s.10(b)	Yes	Trial	Yes	2019 ONSC 1514
R.v.Zuniga-Pflücker	2018ONCJ205	Toronto	2018	s.8, s.9	Yes	Trial	No	N/A
R.v.Asif	2018OJ6335	Toronto	2018	s.7	Yes	Trial	No	N/A
R.v.Mosely	2018OJ6496	Toronto	2018	s.8	Yes	Trial	No	N/A
R.v.Jia	2018OJ5965	Toronto	2018	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Hawryluk	2018ONSC710	Toronto	2018	s.8	Yes	Trial	Yes	2022 ONCA 36
R.v.Della-Vedova	2018OJ1596	Toronto	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Hines	2018ONCJ197	Toronto	2018	s.7, s.12	Yes	Trial	No	N/A
R.v.Zakarie	2018ONSC2905	Toronto	2018	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Bruce	2018ONCJ135	Toronto	2018	s.7, s.8	Yes	Trial	No	N/A
R.v.Glatt	2018OJ7297	Toronto	2018	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Coelho	2018ONCJ244	Toronto	2018	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Riley	2018ONCA998	Toronto	2018	s.8	No	Appeal	N/A	N/A
R.v.Dawkins	2018ONSC6394	Toronto	2018	s.10(b)	No	Trial	No	N/A
R.v.Shallow	2018ONSC3616	Toronto	2018	s.8, s.10(b)	No	Trial	No	N/A
R.v.Sahota	2018ONSC6372	Toronto	2018	s.10(b)	No	Trial	No	N/A
R.v.Harris	2018ONSC4298	Toronto	2018	s.8	No	Trial	Yes	2022 ONCA 739
R.v.Gerson-Foster	2019ONCA405	Toronto	2019	s.8, s.9	Yes	Appeal	N/A	N/A
R.v.Prince	2019ONSC5567	Toronto	2019	s.8	Yes	Trial	No	N/A
R.v.Wu	2019OJ3098	Toronto	2019	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Kiritpal	2019ONCJ434	Toronto	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Richards-Crawford	2019ON2	Toronto	2019	s.10(b)	Yes	Trial	No	N/A
R.v.RD	2019ONSC4542	Toronto	2019	s.8	Yes	Trial	No	N/A
R.v.Greeley	2019ONCJ907	Toronto	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Young	2019ONSC3563	Toronto	2019	s.8	Yes	Trial	No	N/A
R.v.Anderson	2019ONSC2739	Toronto	2019	s.8, s.9	Yes	Trial	No	N/A
R.v.Nguyen	2019OJ4739	Toronto	2019	s.8	Yes	Trial	No	N/A
R.v.Coluccio	2019ONSC4559	Toronto	2019	s.8	Yes	Trial	No	N/A
R.v.Zavala-Martinez	2019ONSC3919	Toronto	2019	s.8, s.9	Yes	Sentencing	No	N/A
R.v.Gasiorek	2019OJ1121	Toronto	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Stewart	2019ONCJ78	Toronto	2019	s.8, s.9	Yes	Trial	No	N/A
R.v.Mullings	2019ONSC2408	Toronto	2019	s.8	Yes	Trial	No	N/A

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R.v.Khan	2019ONSC2617	Toronto	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Upper	2019ONCJ969	Toronto	2019	s.7, s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Sahni	2019OJ1050	Toronto	2019	s.10(b)	Yes	Trial	No	N/A
R.v.MG	2019ONSC3370	Toronto	2019	s.10(b)	Yes	Trial	No	N/A
R.v.LD	2019ONCJ794	Toronto	2019	s.10(b)	Yes	Trial	No	N/A
R.v.HM	2019ONCJ383	Toronto	2019	s.8, s.9	No	Trial	No	N/A
R.v.Ferns		Toronto	2019	s.8	No	Trial	No	N/A
R.v.Shaw	2019ONSC3263	Toronto	2019	s.7	No	Trial	Yes	Y-2024 ONCA 119
R.v.Coutts	2019ONCJ123	Toronto	2019	s.8, s.10(a)	No	Trial	Yes	2020 ONSC 3477
R.v.Spencer	2019ONCJ91	Toronto	2019	s.9	Yes	Trial	No	N/A
R.v.Simpson	2020ONSC7862	Toronto	2020	s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Palmer	2020ONCJ650	Toronto	2020	s.10(b)	Yes	Trial	No	N/A
R.v.Cardle	2020ONSC7878	Toronto	2020	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.AliFarah	2020ONSC7157	Toronto	2020	s.8	Yes	Trial	No	N/A
R.v.Darling	2020ONSC6397	Toronto	2020	s.9	No	Trial	No	N/A
R.v.Hassan	2020ONSC6354	Toronto	2020	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Azonwanna	2020ONSC5416	Toronto	2020	s.7, s.10(b)	Yes	Trial	No	N/A
R.v.Tonkin	2020ONSC5206	Toronto	2020	s.10(b)	No	Trial	No	N/A
R.v.Kalyanaramier	2020ONCJ348	Toronto	2020	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.P.N.	2020ONCJ317	Toronto	2020	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Adler	2020ONCA246	Toronto	2020	s.8, s.10(b)	Yes	Appeal	N/A	See cite
R.v.Murray#6	2020ONSC1495	Toronto	2020	s.7	No	Trial	No	N/A
R.v.Chow	2020ONCJ57	Toronto	2020	s.8	Yes	Trial	No	N/A
R.v.Reid	2020ONCJ35	Toronto	2020	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.McSweeney	2020ONCA2	Toronto	2020	s.10(b)	Yes	Appeal	N/A	See cite
R.v.Blackwood	2021ONSC8411	Toronto	2021	s.8	No	Trial	No	N/A
R.v.St.Clair	2021ONCA895	Toronto	2021	s.8, s.9	No	Appeal	N/A	See cite
R.v.Smith	2021ONCJ650	Toronto	2021	s.7	Yes	Trial	No	N/A
R.v.Abay	2021ONSC7981	Toronto	2021	s.10(b)	Yes	Trial	No	N/A
R.v.Hector	2021ONSC7543	Toronto	2021	s.10(a)	No	Trial	No	N/A
R.v.Joseph-Palmer	2021ONSC7268	Toronto	2021	s.8	Yes	Trial	No	N/A
R.v.Khan	2021ONSC5663	Toronto	2021	s.8, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Aisevho	2021ONSC5116	Toronto	2021	s.8, s.9	Yes	Trial	No	N/A
R.v.Griffith	2021ONCA302	Toronto	2021	s.8, s.9, s.10(b)	No	Appeal	N/A	See cite
R.v.Mootoo	2021ONSC2596	Toronto	2021	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Becessar	2021ONSC4833	Toronto	2021	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Mohamed	2021ONSC2336	Toronto	2021	s.8, s.9	Yes	Trial	No	N/A
R.v.Palmer	2021ONSC1675	Toronto	2021	s.10(b)	No	Trial	No	N/A
R.v..Simonelli	2021ONSC354	Toronto	2021	s.11(e)	Yes	Trial	No	N/A
R.v.Saeed	2021ONSC5084	Toronto	2021	s.7, s.10(b)	No	Trial	No	N/A

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R.v.Huang	2021ONSC7121	Toronto	2021	s.8	No	Trial	No	N/A
R.v.Ceballo	2021ONSC4721	Toronto	2021	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Hamid	2021ONSC3227	Toronto	2021	s.8, s.9, s.10(a)	Yes	Trial	No	N/A
R.v.Ortega	2021ONSC1965	Toronto	2021	s.8	Yes	Trial	No	N/A
R.v.El-Halfawi	2021ONCJ462	Toronto	2021	s.10(b)	No	Trial	No	N/A
R.v.Nunes	2021ONSC1412	Toronto	2021	s.8	Yes	Trial	No	N/A
R.v.Mohamed and Ali	2021ONSC2790	Toronto	2021	s.8	No	Trial	No	N/A
R.v.A.S.	2021ONSC3848	Toronto	2021	s.8	Yes	Trial	No	N/A
R.v.Matthew	2021ONCJ335	Toronto	2021	s.10(b)	Yes	Trial	No	N/A
R.v.Nairn	2021ONSC4582	Toronto	2021	s.9	No	Trial	No	N/A
R.v.Van	2021ONSC4491	Toronto	2021	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Alsendi	2021ONCJ241	Toronto	2021	s.10(b)		Trial	No	N/A
R.v.Tesfai	2022OJNO5855	Toronto	2022	s.7, s.9, s.10(a), s.10(b), s.15	Yes	Trial	No	N/A
R.v.Brown	2022ONCJ597	Toronto	2022	s.7, s.8, s.9	No	Trial	Yes	2024 ONCA 453, [2024] SCCA No 407
R.v.Zhu	2022ONCJ157	Toronto	2022	s.10(b)	Yes	Trial	No	N/A
R.v.Griffith	2022ONSC3558	Toronto	2022	s.8, s.9, s.10(b)	No	Trial	Yes	2023 ONCA 822
R.v.Grant	2022ONSC2703	Toronto	2022	s.8	Yes	Trial	No	N/A
R.v.Morrison and Raguette	2022ONSC17	Toronto	2022	s.8, s.9	Yes	Trial	No	N/A
R.v.Wong	2022ONCJ566	Toronto	2022	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Martin	2022ONCJ170	Toronto	2022	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	Yes	2023 ONSC 2909
R.v.Mootoo	2022ONSC367	Toronto	2022	s.8	Yes	Trial	No	N/A
R.v.Black	2022ONSC3121	Toronto	2022	s.8	Yes	Trial	No	N/A
R.v.Koralov	2022ONCJ582	Toronto	2022	s.7, s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Glasgow-Oliver	2022ONCJ72	Toronto	2022	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Abdirahman	2022ONSC5059	Toronto	2022	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Campbell	2022ONSC6535	Toronto	2022	s.8	Yes	Trial	No	N/A
R.v.Musara	2022ONSC3190	Toronto	2022	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Noor	2022ONCJ140	Toronto	2022	s.7, s.9, s.11(e)	Yes	Trial	No	N/A
R.v.Mohammed	2023OJNO5085	Toronto	2023	s.7, s.8, s.9	Yes	Trial	Yes	N/A
R.v.Jatorri Williams	2023ONSC4577	Toronto	2023	s.8	Yes	Trial	No	N/A
R.v.Fanone	2023ONCJ264	Toronto	2023	s.8	No	Trial	No	N/A
R.vDowney	2023ONSC3044	Toronto	2023	s.8	No	Trial	No	N/A
R.vBeckles	2023ONSC3217	Toronto	2023	s.10(b)	No	Trial	No	N/A
R.v.Beauregard	2023ONCJ139	Toronto	2023	s.10(b)	Yes	Trial	No	N/A
R.v.Fifeand Pilliatis	2023ONSC3997	Toronto	2023	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Deol	2023ONSC138	Toronto	2023	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Karapetrov	2023ONSC4354	Toronto	2023	s.8, s.9	Yes	Trial	No	N/A
R.v.Fan	2023ONCJ187	Toronto	2023	s.10(b)	Yes	Trial	No	N/A

Case Name	Citation	Police	Year	Breached Sections	Serious	Trial/ Appeal	If Trial, Is There Appeal	Appeal Decision Citation
R.v.Jahfari	2023ONCJ269	Toronto	2023	s.7, s.9, s.11(e)	Yes	Trial	No	N/A
R.v.Nufio	2023ONCJ255	Toronto	2023	s.10(b)	Yes	Trial	No	N/A
R.v.Konashewych	2023ONSC3948	Toronto	2023	s.7	No	Trial	No	N/A
R.v.Harvey	2023ONSC1641	Toronto	2023	s.10(b)	Yes	Trial	No	N/A
R.v.Azfar	2023ONCJ241	Toronto	2023	s.7	Yes	Trial	No	N/A
R.v.Bui	2023ONSC1910	Toronto	2023	s.8	Yes	Trial	No	N/A
R.v.Fareed	2023ONSC1581	Toronto	2023	s.8, s.9, s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Hassan	2023ONSC1300	Toronto	2023	s.7, s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Ricketts	2023ONCJ360	Toronto	2023	s.8	Yes	Trial	No	N/A
R.v.Collins	2023ONSC1297	Toronto	2023	s.8	No	Trial	No	N/A
R.v.Barreau	2023ONCJ210	Toronto	2023	s.10(b)	Yes	Trial	No	N/A
R.v.Lee	2023ONSC1332	Toronto	2023	s.10(b)	No	Trial	No	N/A
R.v.Mussie	2023ONSC6067	Toronto	2023	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Charleston	2023ONCJ229	Toronto	2023	s.8, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Pashazahiri	2023ONSC6610	Toronto	2023	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.vJama	2023ONSC2381	Toronto	2023	s.8	Yes	Trial	No	N/A
R.v.Hobbs	2023ONSC5376	Toronto	2023	s.8, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.vBailey	2023ONSC2490	Toronto	2023	s.8	Yes	Trial	No	N/A
R.vShen	2023ONSC3847	Toronto	2023	s.10(a), s.10(b)	No	Appeal	No	N/A
R.v.Johnson	2023ONSC3516	Toronto	2023	s.10(b)	No	Trial	No	N/A
R.v.Rocha	2023ONSC1573	Toronto	2023	s.7	Yes	Trial	No	N/A
R.v.Whittaker	2024ONCA182	Toronto	2024	s.10(b)	Yes	Appeal	N/A	
R.v.Parbhoo	2024ONCJ164	Toronto	2024	s.8	No	Trial	No	N/A
R.v.Tavora	2024ONSC6568	Toronto	2024	s.8, s.9, s.10(b)	No	Appeal	No	N/A
R.v.Swaby	2024ONSC4004	Toronto	2024	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Dass	2024ONCJ676	Toronto	2024	s.7, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Dennis	2024ONSC4229	Toronto	2024	s.8	No	Trial	No	N/A
R.v.T.D.	2024ONSC1841	Toronto	2024	s.10(b)	Yes	Trial	No	N/A
R.v.Nguyen	2024ONSC2892	Toronto	2024	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Bajraktari and St.Louis	2024ONSC4407	Toronto	2024	s.8, s.10(b)	No	Trial	No	N/A
R.v.Belsito and Nkrumah	2024ONSC3063	Toronto	2024	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Scott	2024ONSC3667	Toronto	2024	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Clarke	2024ONSC2451	Toronto	2024	s.10(b)	No	Trial	No	N/A
R.v.Sherif	2024ONSC4098	Toronto	2024	s.10(a), s.10(b)	No	Trial	No	N/A
R.v.Bryan	2024ONSC6058	Toronto	2024	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Ahmed	2024ONSC3344	Toronto	2024	s.8, s.10(a)	No	Trial	No	N/A
R.v.Williams	2024ONCA69	Toronto	2024	s.8, s.9	No	Appeal	Yes	See cite
R.v.Bent	2024ONSC3520	Toronto	2024	s.7, s.10(b)	Yes	Trial	No	N/A
R.v.Riahi	2024ONSC5849	Toronto	2024	s.7, s.8	No	Trial	No	N/A

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R.v.P.M.	2024ONCJ62	Toronto	2024	s.10(b)	Yes	Trial	No	N/A
R.v.Cofell	2024ONSC7151	Toronto	2024	s.9	No	Trial	No	N/A
R.v.Vieira	2024ONCJ55	Toronto	2024	s.8, s.9	Yes	Trial	No	N/A
R.v.Thomas	2024ONSC4316	Toronto	2024	s.8	Yes	Trial	No	N/A
R.v.Campbell	2024ONSC3924	Toronto	2024	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Williams	2024ONSC1019	Toronto	2024	s.8	No	Trial	No	N/A
R.v.Ramsay-Morris	2024ONCJ610	Toronto	2024	s.10(b)	Yes	Trial	No	N/A
R.v.Balkaran	2024ONCJ144	Toronto	2024	s.10(b)	No	Trial	No	N/A
R.v.SEARCHWELL-BEALS	2024ONSC2171	Toronto	2024	s.10(b)	No	Trial	No	N/A
R.v.Bhatti	2024ONSC1670	Toronto	2024	s.8	Yes	Trial	No	N/A
R.v.Anderson	2024ONSC5489	Toronto	2024	s.8	No	Trial	No	N/A
R.v.Patel	2025ONCJ173	Toronto	2025	s.7, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.James	2025ONCA213	Toronto	2025	s.10(b)	Yes	Appeal	N/A	See cite
R.v.McCluskey	2025ONCJ212	Toronto	2025	s.8, s.9, s.10(b)	No	Trial	No	N/A
R.v.Daniels	2025ONSC344	Toronto	2025	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Yaqubi	2025ONCJ139	Toronto	2025	s.7, s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Munda	2025ONSC1386	Toronto	2025	s.7, s.10(b)	Yes	Trial	No	N/A
R.v.Suliman	2025ONSC2242	Toronto	2025	s.7	Yes	Trial	No	N/A
R.v.Palden	2025ONSC500	Toronto	2025	s.10(b)	No	Trial	No	N/A
R.v.Caleb	2025ONSC1947	Toronto	2025	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Sytsma	2015OJ4435	York	2015	s.8, s.9	No	Trial	No	N/A
R.v.Popal	2015OJ2238	York	2015	s.10(b)	No	Trial	No	N/A
R.v.Patterson	2015OJ1092	York	2015	s.10(b)	No	Trial	Yes	R v Patterson, 2018 ONCA 774
R.v.Campbell	2015VVOJ5181	York	2015	s.10(b)	No	Trial	No	N/A
R.v.Mok	2015OJ4702	York	2015	s.8	No	Appeal	N/A	N/A
R.v.Wong	2015ONCA657	York	2015	s.10(b)	Yes	Appeal	N/A	R v Wong, 2015 ONCA 657
R.v.Rawlings	2015OJ1926	York	2015	s.7, s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Sheppard	2015OJ1553	York	2015	s.8	Yes	Trial	No	N/A
R.v.Tapp-Hempinstall	2015OJ7354	York	2015	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Russo	2016OJ6891	York	2016	s.9	No	Trial	No	N/A
R.v.Anastasis	2016OJ7344	York	2016	s.10(b)	No	Trial	No	N/A
R.v.Rogers Communications	2016ONSC70	York	2016	s.8		Trial	No	N/A
R.v.Do	2016OJ5407	York	2016	s.7, s.8	Yes	Trial	No	N/A
R.v.Perinpasivam	2016OJ6886	York	2016	s.10(b)	Yes	Trial	No	N/A
R.v.Topper	2016OJ6331	York	2016	s.8, s.9	Yes	Trial	No	N/A
R.v.Salehi	2016OJ2821	York	2016	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Mand	2016OJ6884	York	2016	s.10(b)	Yes	Trial	No	N/A
R.v.Ban	2016OJ6970	York	2016	s.10(b)	Yes	Trial	No	N/A

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R.v.Odesho	2016OJ7199	York	2016	s.8	Yes	Trial	Yes	2024 ONCA 9, [2024] SCCA No 63
R.v.Allahyarov	2016OJ2485	York	2016	s.8	Yes	Trial	No	N/A
R.v.Gale	2016OJ1438	York	2016	s.8	Yes	Trial	No	N/A
R.v.Prado	2016OJ7211	York	2016	s.8, s.10(a)	Yes	Trial	Yes	[2017] OJ No 5785
R.v.Dunwell	2016OJ1288	York	2016	s.8	Yes	Trial	No	N/A
R.v.Sintra	2016OJ901	York	2016	s.10(a)	Yes	Trial	No	N/A
R.v.Kurmoza	2017OJ1243	York	2017	s.8, s.9	No	Trial	No	N/A
R.v.Lawson	2017OJ7104	York	2017	s.10(b)	No	Trial	No	N/A
R.v.Piacampo	2017OJ3229	York	2017	s.10(b)	No	Trial	No	N/A
R.v.Vijeyarajah	2017OJ2596	York	2017	s.10(a)	No	Trial	No	N/A
R.v.Suyat-Pavalaraj	2017OJ5108	York	2017	s.8, s.9	Yes	Trial	No	N/A
R.v.Gonzales	2017ONCA543	York	2017	s.8, s.9, s.10(b)	Yes	Appeal	N/A	N/A
R.v.Tsapoitis	2017OJ916	York	2017	s.8	Yes	Trial	No	N/A
R.v.Turcotte	2017OJ5607	York	2017	s.9	Yes	Trial	No	N/A
R.v.Turner	2017OJ3561	York	2017	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Dapena-Huerta	2017OJ6691	York	2017	s.7, s.10(a), s.10(b)	Yes	Trial	Yes	R v Huerta, 2020 ONCA 59
R.v.Kim	2017OJ4664	York	2017	s.7, s.11(d), s.12	Yes	Trial	No	N/A
R.v.Wu	2017OJ653	York	2017	s.10(b)	Yes	Trial	No	N/A
R.v.Vo	2017OJ1650	York	2017	s.8	Yes	Trial	No	N/A
R.v.Wang	2017OJ3130	York	2017	s.8, s.9	Yes	Trial	No	N/A
R.v.Wan	2017OJ4455	York	2017	s.10(b)	Yes	Trial	No	N/A
R.v.Berger	2017OJ7166	York	2017	s.10(b)	Yes	Trial	No	N/A
R.v.Hamilton	2017OJ1062	York	2017	s.10(b)	Yes	Appeal	N/A	N/A
R.v.Bukin	2018OJ1155	York	2018	s.10(b)	No	Trial	No	N/A
R.v.James	2018OJ7302	York	2018	s.8	No	Trial	No	N/A
R.v.Boyd	2018OJ7032	York	2018	s.8	No	Trial	No	N/A
R.v.Salmon	2018OJ4854	York	2018	s.8	No	Trial	No	N/A
R.v.Patel	2018OJ2859	York	2018	s.10(b)	No	Trial	Yes	R v Patel, 2019 ONSC 1046
R.v.Lau	2018OJ2123	York	2018	s.10(a), s.10(b)	Yes	Appeal	N/A	R v Lau, 2018 ONSC 2550
R.v.Galaz-Castro	2018OJ511	York	2018	s.8, s.9	Yes	Trial	No	N/A
R.v.Procyk	2018OJ6416	York	2018	s.8, s.9	Yes	Trial	No	N/A
R.v.Mitushoff	2018OJ7004	York	2018	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Abdullahpour	2018OJ3851	York	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Huynh	2018OJ4607	York	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Dong	2018OJ3246	York	2018	s.8, s.9, s.10	Yes	Trial	No	N/A
R.v.Saunders	2018OJ6187	York	2018	s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Ananiadis	2018OJ7129	York	2018	s.7, s.11	Yes	Trial	No	N/A

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R.v.Sathiyasuthan	2018OJ6601	York	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Bhagiratti	2018OJ384	York	2018	s.9	Yes	Trial	No	N/A
R.v.Howell	2018OJ109	York	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Noseworthy	2018OJ3594	York	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Girard	2018OJ6902	York	2018	s.10(b)	Yes	Trial	No	N/A
R.v.Figliuzzi	2018OJ1699	York	2018	s.8	Yes	Trial	No	N/A
R.v.Dubick	2018OJ1756	York	2018	s.8, s.9	Yes	Trial	No	N/A
R.v.Perez	2019OJ6357	York	2019	s.8	No	Trial	No	N/A
R.v.Chun	2019OJ1793	York	2019	s.10(a)	No	Appeal	N/A	N/A
R.v.Liu	2019OJ3756	York	2019	s.7, s.8	No	Trial	No	N/A
R.v.Tascione	2019OJ6178	York	2019	s.10(b)	No	Trial	No	N/A
R.v.Davis	2019OJ2088	York	2019	s.8	No	Trial	Yes	R v Davis, 2020 ONCA 748
R.v.Pogoryelov	2019OJ5165	York	2019	s.8	No	Trial	No	N/A
R.v.Wong	2019OJ5266	York	2019	s.8, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Hibbert	2019OJ4507	York	2019	s.8	Yes	Trial	No	N/A
R.v.Sidorovich	2019OJ4487	York	2019	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Albert	2019OJ1141	York	2019	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Anderson	2019OJ3586	York	2019	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Xu	2019OJ4740	York	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Zhang	2019OJ6019	York	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Rafaeli	2019OJ4305	York	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Timofeev	2019OJ6185	York	2019	s.10(b)	Yes	Trial	No	N/A
R.v.Nguyen	2020ONSC7783	York	2020	s.10(b)	Yes	Appeal	N/A	See cite
R.v.Fisk	2020ONCJ88	York	2020	s.8, s.10(b)	No	Trial	No	N/A
R.v.Vinogradsky	2020ONSC5617	York	2020	s.7	No	Trial	No	N/A
R.v.Somerville	2020ONSC577	York	2020	s.10(b)	Yes	Trial	No	N/A
R.v.Phan	2021ONSC7163	York	2021	s.8, s.9	Yes	Trial	No	N/A
R.v.Kubacsek	2021ONSC5081	York	2021	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Howe	2021CanLII59294	York	2021	s.10(b)	No	Trial	No	N/A
R.v.Prathab Ashokkumar	2021ONSC4148	York	2021	s.8	Yes	Trial	No	N/A
R.v.Rajive-Shanker	2021ONCJ447	York	2021	s.10(b)	No	Trial	No	N/A
R.v.Kandiah	2021ONCJ313	York	2021	s.10(b)	No	Trial	No	N/A
R.v.Grant	2021ONCJ90	York	2021	s.10(a)	No	Trial	No	N/A
R.v.Coates	2022ONSC3262	York	2022	s.8, s.10(b)	Yes	Trial	No	N/A
R.v.Hayatibahar	2022ONSC1281	York	2022	s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Alilovic	2022ONCJ567	York	2022	s.10(b)	No	Trial	No	N/A
R.v.Simpson	2022ONCJ262	OPP	2022	s.8	Yes	Trial	No	N/A
R.v.Alenich	2022ONCJ161	York	2022	s.10(b)	Yes	Trial	No	N/A
R.v.Tully	2022ONSC1852	York	2022	s.9	No	Trial	No	N/A

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R.v.Johnson-Phillipsetal	2023ONSC1977	York	2023	s.8	Yes	Trial	No	N/A
R.v.DiLuciano	2023ONSC6219	York	2023	s.8, s.9, s.10(b)	Yes	Trial	No	N/A
R.v.Holmes	2024ONSC991	York	2024	s.10(a)	No	Trial	No	N/A
R.v.El-ZahawiandChung	2024ONSC122	York	2024	s.7, s.10(a), s.10(b)	Yes	Trial	No	N/A
R.v.Teja	2024ONCJ540	York	2024	s.8, s.9	No	Trial	No	N/A
R.v..Nyadu	2024ONSC4092	York	2024	s.7, s.8	Yes	Trial	No	N/A
R.v.Suman	2024ONCJ208	York	2024	s.7, s.8	Yes	Trial	No	N/A
R.v.S.M.	2024ONCJ656	York	2024	s.7, s.8	Yes	Trial	No	N/A
R.v.Smith-Stebbins	2025ONCJ298	York	2025	s.8, s.9	No	Trial	No	N/A
R.v.DillonandShifara	2025ONSC3166	York	2025	s.8, s.9, s.10(a), s.10(b)	Yes	Trial	No	N/A

Appendix 03

List of Recommendations

Appendix 03

List Of Recommendations

Monitoring

Crown Prosecutors

1. Within six months of the release of *Unlawful Enforcers*, the Ontario Ministry of the Attorney General should develop a process which requires Ontario Crown Prosecutors to provide written notification to Ontario Chiefs of Police of court decisions with findings of violations of the *Charter* involving police officers.
    A. The written notification should be provided within 90 days of the release of the court decision
2. Within six months of the release of *Unlawful Enforcers*, the Public Prosecution Service of Canada should develop a process which requires federal prosecutors to provide written notification to Ontario Chiefs of Police of court decisions with findings of violations of the *Charter* involving police officers
    A. The written notification should be provided within 90 days of the release of the court decision

Police Services

3. Absent the implementation of recommendations (1) and (2), within one year of the release of Unlawful Enforcers, the Police Service Boards and Police Services should develop policies and procedures which require the Chiefs of Police to identify court decisions with findings of violations the *Charter* involving police officers

Law Enforcement Complaints Agency

4. Within six months of the release of Unlawful Enforcers, the Police Services should provide notice of misconduct to the Complaints Director of the Law Enforcement Complaints Agency (LECA) based on the *Charter* infringing conduct described in this report
5. The Police Services should provide notice of misconduct to the Complaints Director of LECA based on court decisions with findings of violations of the *Charter* involving police officers

Accountability

Investigations into officer misconduct

6. Within six months of the release of Unlawful Enforcers, the Police Services should conduct investigations into officer misconduct based on the *Charter* infringing conduct described in this report that occurred before April 1, 2024
7. The Complaints Director of LECA should exercise its discretion to investigate notices of misconduct that come to its attention pursuant to recommendation (5)
8. Absent the implementation of recommendation (7), the Police Services should conduct investigations into officer misconduct based on court decisions with findings of violations of the *Charter* involving police officers

Early-warning systems

9. Within one year of the release of *Unlawful Enforcers*, the Police Services should develop procedures to include court decisions with findings of violations of the *Charter* involving officers as part of an early warning system to alert supervisors and police leadership about potentially problematic officers, units and divisions

Transparency

10. The Police Services should issue annual public reports to the Police Service Boards on court decisions with findings of violations of the *Charter* involving police officers while respecting confidentiality provisions in the *Community Safety and Policing Act, 2019* and privacy. The annual reports should include:
    - A. Police service
    - B. Year of court decision
    - C. Case name and citation
    - D. Nature of charges and any convictions
    - E. Demographic characteristics of the accused
    - F. Section(s) of the *Charter* breached
    - G. Police patrol zone or division where the *Charter* breach occurred
    - H. Serious case flag and any *Charter* remedies ordered
    - I. Appeal information
        - I. Trial or appeal decision
        - II. If trial, is there an appeal
        - III. Appeal decision citation
    - J. A description of any systemic issues identified by judges

11. The Police Service Boards should issue annual public reports on the Police Services administration of investigations into officer misconduct that Police Services identify pursuant to recommendation (3) or that Police Services become aware of pursuant to recommendations (1) and (2), while respecting confidentiality provisions in the *Community Safety and Policing Act, 2019* and privacy

Systemic Issues at The Peel Regional Police and Toronto Police Service

PEEL REGIONAL POLICE

12. Within one year of the release of *Unlawful Enforcers*, the Peel Regional Police Board and Peel Regional Police should publicly review policies, procedures and training related to the systemic issues and potential systemic issues identified in this report, including:

- **A.** Racial profiling
- **B.** Lack of privacy when accused use the toilet in holding cells
  - **I.** The Peel Regional Police should create signage in the booking room and holding cells advising that cells are being monitored by video cameras, including when detainees the toilets
  - **II.** The Peel Regional Police should provide detainees with a modesty paper gown when using the toilet
- **C.** Overholding accused in holding cells based on non-residency and in the context of drinking and driving cases
- **D.** Lack of accommodation for hearing impaired accused to exercise their right to counsel in custody in 12 Division
- **E.** Failing to audio record the booking hall procedure when accused are brought into the station
- **F.** Lack of a check system to ensure compliance with reporting requirements regarding seizure of property
- **G.** Lack of training on searches under the *Cannabis Control Act*
- **H.** Failure to advise accused of their right to counsel immediately upon detention or arrest
- **I.** Failure to respect the right to counsel of choice
- **J.** Police lying or providing false testimony
- **K.** Excessive force
- **L.** Unlawful strip searches
- **M.** Unreasonable searches when investigating alleged child pornography

TORONTO POLICE SERVICE

13. Within one year of the release of *Unlawful Enforcers*, the Toronto Police Service Board and Toronto Police Service should publicly review policies, procedures and training related to the systemic issues and potential systemic issues identified in this report, including:

- **A.** Racial profiling
- **B.** Delays in bringing an accused person before a judge within 24 hours
- **C.** Failure to respect the right to counsel of choice
- **D.** Failing to inform accused persons of their right to counsel without delay
- **E.** Accessing young offender fingerprints outside of the permitted access period
- **F.** Failing to provide adequate translation services
- **G.** Training issues on whether to hold accused for a bail hearing
- **H.** Lack of training in dealing with detainees with mental health disabilities and the use of therapy support dogs
- **I.** Failing to adhere to temporal limits of a search warrant by tech crime officers
- **J.** Police lying or providing false testimony
- **K.** Unlawful investigations into alleged child pornography

Independent Oversight

14. Within two years of the release of *Unlawful Enforcers*, the Inspector General should conduct an inspection of the Police Services and Police Service Boards which focuses on identification, monitoring, transparency and accountability regarding court decisions with findings of violations the *Charter* involving police officers

- **A.** The inspection should include consideration of the implementation of the recommendations above
- **B.** The Inspector General should issue directions to the Police Services and/or Police Service Boards if its Findings Report reveals evidence of non-compliance or risk of non-compliance with legislative requirements under the *Community Safety and Policing Act, 2019*

Appendix 04

List of Key *Charter* Rights

Appendix 04

List of Key *Charter* Rights that Apply to Police Interactions

The following list is non-exhaustive.

Section 7 – Life, liberty and security of the person

Excessive force by police violates s. 7 of the *Charter*.[1] The right to silence when interacting with police is also protected under s. 7.[2]

Section 8 – Protection against unreasonable search and seizure

A warrantless search or seizure that is unreasonable violates s. 8 of the *Charter*.[3]

Section 9 – Protection against arbitration detention

A detention without reasonable suspicion or an unlawful arrest violate s. 9 of the *Charter*.[4]

Section 10 – Rights on detention or arrest

Section 10(a) requires that a person be informed promptly of the reasons for their detention or arrest.[5] When a person is detained or arrested, s. 10(b) provides the person with the right to retain and instruct a lawyer without delay and be informed of that right.[6]

Section 15 – Right to equality

As noted by the Ontario Human Rights Commission in its *Policy on eliminating racial profiling in law enforcement,* racial profiling violates:

> Sections 7 and 15 of the *Charter*. If racial profiling results in an unlawful search and detention/arrest, it could also violate sections 8 and 9 of the *Charter.* If "illegitimate thinking" about race or racial stereotypes factors into suspect selection or subject treatment, the legal standards of reasonable suspicion or reasonable grounds will not be satisfied.[7]

1 *R v Nasogaluak*, 2010 SCC 6, [2010] 1 SCR 206; *R v Dube*, 2024 ONCJ 105; *R v Bent*, 2024 ONSC 3520.

2 *R v Hebert*, [1990] SCJ No 64, [1990] 2 SCR 151.

3 *R v Nolet*, 2010 SCC 24, [2010] 1 SCR 851; *R v Stairs*, 2022 SCC 11.

4 *R v Le*, 2019 SCC 34, [2019] 2 SCR 692; *R v Tim*, [2022] SCJ No 12, [2022] 1 SCR 234.

5 *R v Evans*, [1991] 1 SCR 869; *R v Murray*, 2025 ONSC 4127.

6 *R v Suberu*, 2009 SCC 33, [2009] 2 SCR 460; *R v Thompson*, 2020 ONCA 264.

7 Ontario Human Rights Commission, "Policy on eliminating racial profiling in law enforcement" (2019); *R v Tutu*, 2021 ONSC 5375.

Appendix 05

Endorsement Letters

Black Legal Action Centre
Suite 1509 – 180 Dundas Street West • Toronto • Ontario • M5G 1Z8

February 19, 2026

Sunil Gurmukh
Adjunct Research Professor
Faculty of Law
Western University
sgurmukh@uwo.ca

Dr. Scot Wortley
Professor and Acting Director
Centre for Criminology and Sociolegal Studies
University of Toronto
scot.wortley@utoronto.ca

Dear Professors Gurmukh and Wortley,

Re: Unlawful Enforcers

I write on behalf of the clinic, Black Legal Action Centre (BLAC), to strongly support *Unlawful Enforcers*.

BLAC is a non-profit community legal clinic mandated to combat individual and systemic anti-Black racism in Ontario. We provide free legal services to low – or no-income Black people in Ontario who have experienced anti-Black racism. We also advance of mandate through educational initiatives, advocacy and test case litigation on issues of importance to our Black community.

Having seen *Unlawful Enforcers*, it among other things, highlights judicial findings of racial profiling, and identifies hidden racial profiling, by officers of the Peel Regional Police Service and Toronto Police Service. It highlights twelve cases with judicial findings of racial profiling and identifies thirteen cases of hidden racial profiling of Black people, based on court decisions made between January 1, 2015 and May 31, 2025. It provides useful recommends to the Peel Regional Police Services Board, Peel Regional Police Service, Toronto Police Services Board and Toronto Police Service including the public review of policies, procedures and training related to racial profiling, and that there be oversight from the Inspector General. It also makes broader recommendations to address police violations of the *Charter*.

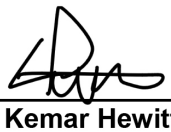
…/2

Website: www.blacklegalactioncentre.ca
Email: info@blac.clcj.ca
Phone: 416-597-5831 • Toll Free: 1-877-736-9406 • TTY 1-800-855-0511 • Correctional Facilities: 1-877-279-0680

Unlawful Enforcers confirms what Black communities have experienced for decades – systemic anti-Black racism in policing. Black communities are subject to arbitrary detentions, unreasonable searches, excessive force and racial profiling – all violations of the *Charter*. The report underlines the urgent need for effective monitoring, accountability, transparency and independent oversight regarding police violations of the *Charter*, which profoundly negatively impact Black communities.

We urge the police services, boards, Ministry of the Attorney General and Public Prosecution Service of Canada to implement the recommendations in a timely manner.

Regards,
BLACK LEGAL ACTION CENTRE



Demar Kemar Hewitt
Executive Director & General Counsel

CANADIAN CIVIL LIBERTIES ASSOCIATION
ASSOCIATION CANADIENNE DES LIBERTES CIVILES

124 Merton St. Suite 400
Toronto, ON M4S 2Z2
Tel. (416) 646-1408

February 26, 2026

Endorsement of *Unlawful Enforcers* Recommendations

The Canadian Civil Liberties Association is pleased to endorse the recommendations in *Unlawful Enforcers*. The report's findings are grave. A court ruling that a police officer has violated a person's rights under the *Canadian Charter of Rights and Freedoms* should never go unnoticed. The patterns identified in *Unlawful Enforcers* reveal systemic shortcomings that demand coordinated reform by prosecution services, police services, police service boards, and oversight agencies.

These recommendations outline concrete steps to ensure effective monitoring, accountability, and transparency where a *Charter* violation has been found. They are properly directed at established statutory and policy roles played by key police oversight bodies at both the provincial and municipal level.

We note the recommendations include specific measures addressing systemic violations of *Charter* rights, including racial profiling, which are directed at police services and boards. It is incumbent upon the policing sector, now directly apprised of patterns where specific *Charter* rights have not been upheld, to rectify these failures without delay.

The institutions to which these recommendations are directed must demonstrate that they have considered them meaningfully and with due regard for the report's findings. Public confidence in the justice system and public safety require constitutional rights to be upheld in practice. Respect for the rule of law and the *Charter* demands no less.

CRIMINAL LAWYERS' ASSOCIATION
189 Queen Street East, Suite 1
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March 4, 2026

Sunil Gurmukh
Adjunct Research Professor
Faculty of Law
Western University
sgurmukh@uwo.ca

Dr. Scot Wortley
Professor and Acting Director
Centre for Criminology and Sociolegal Studies
University of Toronto
Scot.wortley@utoronto.ca

RE: Unlawful Enforcers

We write on behalf of the Criminal Lawyers' Association (CLA) to endorse the Unlawful Enforcers Report.

The CLA is an organization that represents almost 1,800 criminal defence lawyers in Ontario. The CLA exists as a voice for criminal justice and civil liberties.

The CLA assists our members in every area of practice while regularly intervening on important cases that involve criminal law and civil liberties in Canada before the Supreme Court of Canada (SCC). The CLA offers educational programs for all our members as well as giving our advice and perspective about criminal law to the judiciary and all levels of government.

Upon reviewing the Unlawful Enforcers Report, the CLA welcomes the findings in the report that speak to the systemic issues that face our clients everyday at the hands of the police. We welcome the recommendations in the report that would establish the appropriate oversight of the police. The report recognizes the patterns of police abuse of our clients' Charter rights and delves into the cases that demonstrate how often this happens. This report is not only informative for the general public, but assists our members in advocating for our clients with the appropriate data when our members put forth a Charter application for our clients.

Sincerely,

Tonya Kent
Assistant Secretary
Criminal Lawyers' Association

Appendix 06

YRPSB Response

Formal Response to *Unlawful Enforcers*
from the York Regional Police Service Board

The Regional Municipality of York Police Service Board

To Make a Difference in Our Community

17250 Yonge Street, Newmarket,
Ontario, Canada L3Y 6Z1
Tel: 1-866-876-5423 ext. 3000
psb@yrp.ca • yrpsb.ca

Sent via Email to: Scot.wortley@utoronto.ca

March 13, 2026

Dr. Scot Wortley
Professor and Acting Director
Centre for Criminology and Sociolegal Studies
University of Toronto

Re: Confidential copy of Unlawful Enforcers

Dear Dr. Wortley:

This will acknowledge receipt of your letter to Mayor Steve Pellegrini, Chair of the York Regional Police Service Board (the "Board"), dated March 6, 2026, and the attached copy of your undated research report titled, "Unlawful Enforcers". I am providing this letter on behalf of the Board and respectfully request that it be included as an appendix to the publicly released report.

We first became aware of your report when it was received as an attachment to your email sent to Mayor Pellegrini at 10:58 p.m. on March 6, 2026. Your letter and the email by which it was provided are attached respectively as Attachments 1 and 2 to this letter.

Your emailed letter indicated you required a formal written response by 5:00 p.m. today, March 13, 2026, prior to public release of the report on March 18, 2026. Unfortunately, given the short notice and our subsequent inability to properly consider your voluminous research paper and recommendations which also reference 617 criminal cases you have cited, including 103 in which York Regional Police were apparently involved, the Board will not be able to properly consider the report and provide instructions or any further response until the next scheduled Board meeting on March 25, 2026. We do note that the three endorsement letters appended to your report, the earliest of which is dated February 19, 2026, would have been provided to the respective endorsers with significantly more time to be considered than the five days the Board was given.

Although we cannot comment further at this time without the Board having had a reasonable opportunity to properly consider and respond to the report within the short time window provided, the Board remains strongly and resolutely committed to providing adequate and effective policing in York Region in accordance with the

provisions of the *Community Safety and Policing Act* (the "*Act*"), including explicit acknowledgment of the importance of safeguarding the fundamental rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*, as set out in Section 1 of the *Act*'s Declaration of Principles.

Best regards,

Dan Kuzmyk

Attachment 1: Letter to YRPSB re Unlawful Enforcers (March 6 2026)
Attachment 2: Email from N.Wortely March 6, 2026

Centre for Criminology & Sociolegal Studies
UNIVERSITY OF TORONTO

Scot Wortley
Professor
Acting Director

CONFIDENTIAL

March 6, 2026

Steve Pellegrini
Chair
York Regional Police Service Board
17250 Yonge Street
Newmarket, ON L3Y 6Z1
spellegrini@king.ca

Dear Chair Pellegrini:

Re: *Unlawful Enforcers*

I hope this letter finds you well. I am writing to share a confidential copy of *Unlawful Enforcers*, our forthcoming research report.

Unlawful Enforcers includes a statistical analysis of over 600 reported criminal court decisions made between January 1, 2015 and May 31, 2025. These cases contain findings of violations of the *Charter* involving police officers from Ontario's five largest municipal police services: the Toronto Police Service, Peel Regional Police, York Regional Police, Durham Regional Police Service and Ottawa Police Service. *Unlawful Enforcers* also includes a qualitative analysis of cases involving the Toronto Police Service and Peel Regional Police, where we identify egregious cases, systemic issues identified by judges and potential systemic issues identified by the research team through a global analysis of cases.

We believe this report, and its recommendations, are an important opportunity to create systemic change, advance public safety and enhance trust between the York Regional Police, York Regional Police Service Board and the public.

If the York Regional Police Service Board wishes to provide a written formal response to the report, please provide it to me by **March 13, 2026 at 5:00 pm**, so we can include it as an appendix to the report before its anticipated public release on March 18. We reserve the right to edit or make changes to the report prior to its public release.

We are also reaching out to the York Regional Police.

FACULTY OF ARTS & SCIENCE
Canadiana Gallery, 14 Queens Park Crescent West, Room 217 Toronto/Ontario Canada M5S 3K9
Tel: 416-978-7124 ext.228 · Fax: 416-978-4195 · scot.wortley@utoronto.ca · www.criminology@utoronto.ca

Finally, members of the media may receive an embargoed copy of *Unlawful Enforcers*. Members of the media may contact you prior to the public release of the report.

I look forward to hearing from you.

Sincerely,

Scot Wortley
Scot.wortley@utoronto.ca

CC: Jaclyn Kogan, Board Manager (jkogan@yrp.ca)

FACULTY OF ARTS & SCIENCE
Canadiana Gallery, 14 Queens Park Crescent West, Room 217 Toronto/Ontario Canada M5S 3K9
Tel: 416-978-7124 ext.228 · Fax: 416-978-4195 · scot.wortley@utoronto.ca · www.criminology@utoronto.ca

rom: N. Wortley <scot.wortley@utoronto.ca>
Sent: March 6, 2026 10:58 PM
To: spellegrini@king.ca
Cc: Kogan, Jaclyn <JKogan@YRP.CA>
Subject: Fw: Subject: Confidential copy of Unlawful Enforcers

EXTERNAL E-MAIL - Please be attentive when clicking links or opening attachments unless you recognize the sender.

Dear Steve Pellegrini
Chair
York Region Police Services Board

I hope you are doing well. I am writing to provide with you a confidential advance copy of ***Unlawful Enforcers***, our forthcoming research report concerning police violations of the *Charter* (see attached). Please also see the attached letter, which provides an opportunity to provide a written formal response.

Sincerely

Dr. Scot Wortley

Professor and Acting Director

Centre for Criminology and Sociolegal Studies

University of Toronto

Scot.wortley@utoronto.ca

Centre for Criminology & Sociolegal Studies
UNIVERSITY OF TORONTO

Western Law